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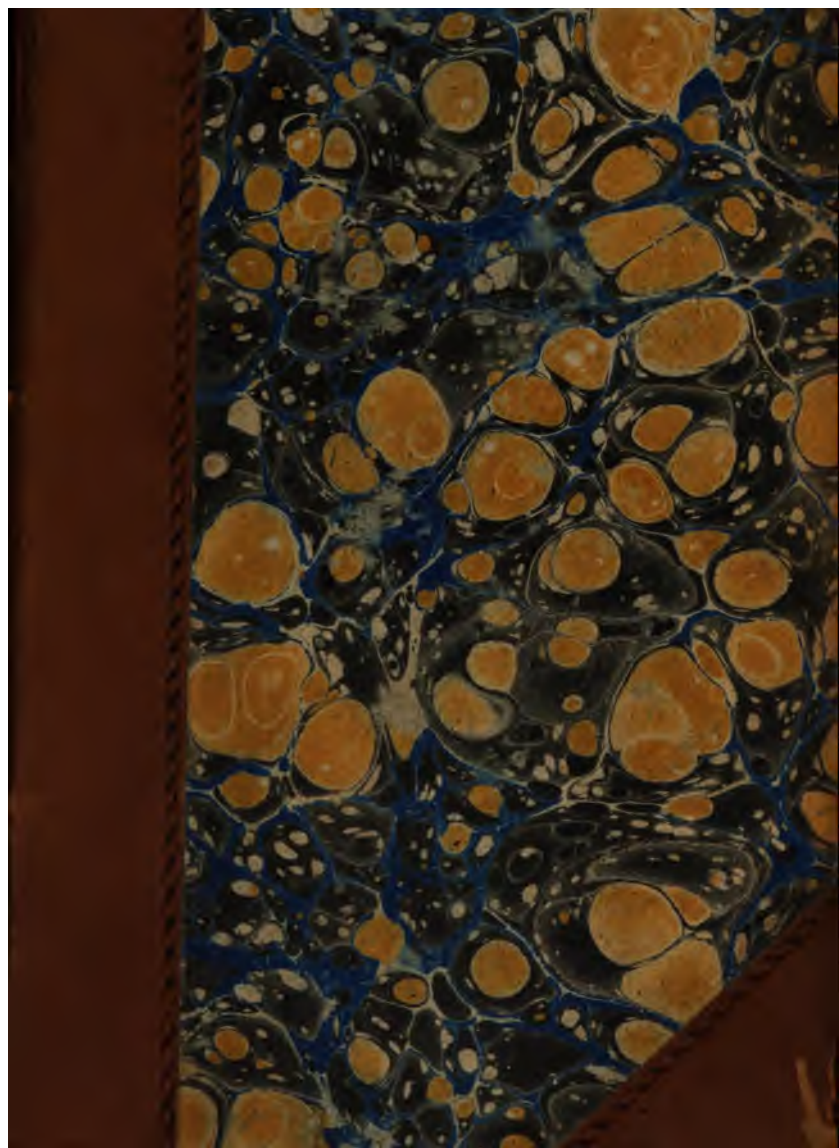
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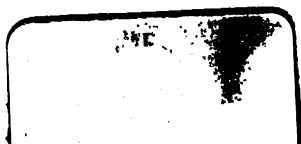
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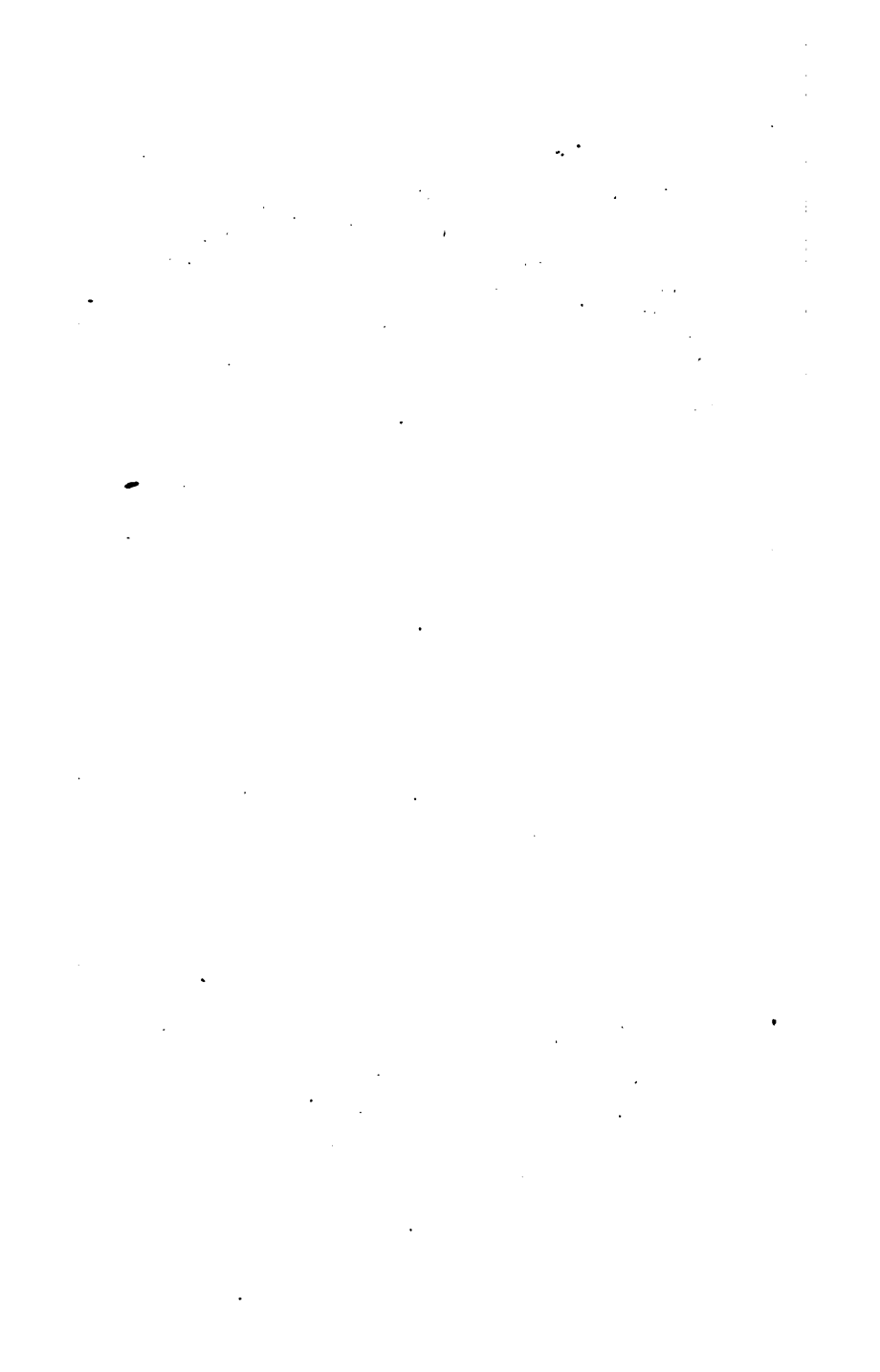
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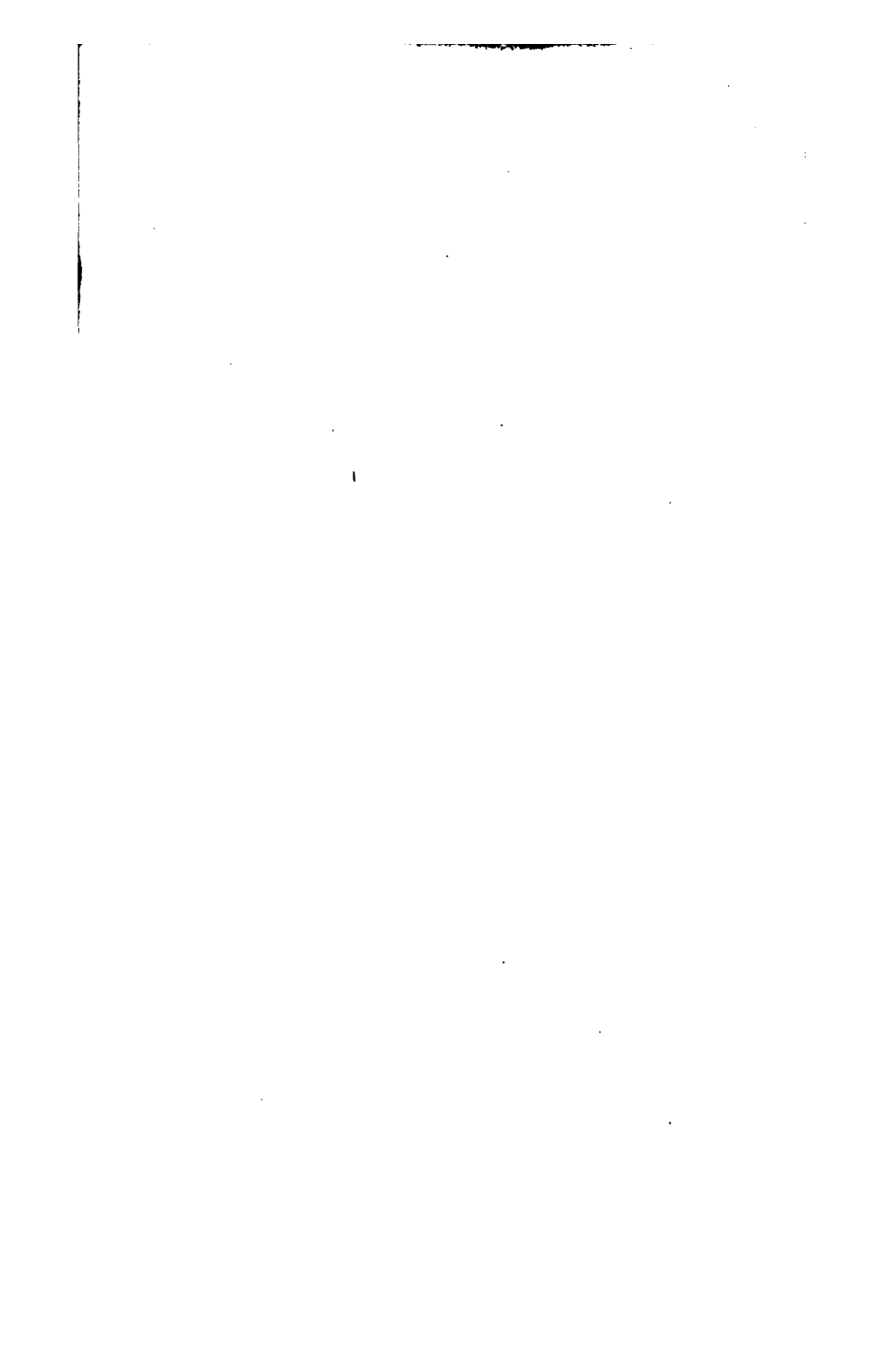




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THE *8 1830*

# AFFAIRS OF THE NATION

REPRESENTED TO

THE DUKE OF WELLINGTON,

BY

COMMON SENSE.



"Commend me to an argument like a flail, against which there is no fence."

LONDON:

EFFINGHAM WILSON,

ROYAL EXCHANGE.

1830.

10.





C. Whiting, Manfort House.

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COMMON SENSE  
TO THE  
DUKE OF WELLINGTON.

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CHAPTER I.

REASONS WHY.

MY LORD,

ALTHOUGH this be far from the first time that you have listened to my suggestions, acted upon them, and done good, and gained honour by so acting; yet, as I am now to call your attention to many matters, some of which will be new to you, and many of which are of such a kind as that few would mention them at all, and perhaps none would do it in the plain words that I shall use, I must intreat your particular attention. In order that I may not be accused of any attempt to intrude where I may not be welcome, or make a claim upon attention which is pre-occupied, I shall begin by mentioning one or

two of the reasons why I make my representation to you, and make it in this public manner.

In the first place, nobody else dares do it. Whatever may be said to the contrary, no human being that has any chance of being listened to, dares stand up in his own person and make an honest representation to a minister. The moment that an individual comes within the sphere of courtly attraction—that the atmosphere of the treasury fans him, even in fancy, he falls prone and worships. The air is fat with the fumes of loaves and fishes; the appetite is whetted apace; and there is a lurking something which takes all patriotism and independence out of the individual, and makes him ready to sell country, soul, and all, for place. No matter for his words, no matter though the shouts of the many-headed monster should bellow incessantly at his heels, and he should seem to have no idol but that—his price is in the inverse ratio of his pretensions; and the louder he bawls he may be bought for the less. All ages have shown this, and you have experienced it yourself, in many instances, which I need not mention, because you are not provided with one of an opposite kind. Send me blindfolded among any set of persons you please, that have scented the fumes of the treasury, either to wish or to have, and more so if only to wish; bid me fetch

you thence a state executioner ; and out I could lead him as blithely as ever a bride was led to the altar by the man she adored.

It is this which makes our pretended public reformers so useless—so much worse than useless ; which makes them lumber in the highway to useful improvement. At Land's End or John O'Groat's, an individual man may express a very honest but a very useless opinion upon public matters : send him to Truro or Thurso, and the corporation fog will shake him ; bring him to St. Stephens, or the other house, and he will be in an ague. The reasons are obvious—inseparable from human nature in its individual character. The care of their own fortunes, whether in the making or the marring of them, is the primary object with all men, and never will yield to any other ; and, therefore, how much soever a man may *say* for the public, he has all along an under feeling which lies nearer to his heart, that, when opportunity enables him to *do*, the *deed* will be all for himself and own advantage. Another thing : an individual, in order to be heard, must belong to something—must be of some class or party ; that class or party, be it which it may, is just as much limed to sin, glued to corruption, as any other ; and, therefore, as he can attack only a part, the other part attacks him in

return; and a party squabble ensues, in which each is wholly occupied in guarding and protecting its own corruptions, and they are only to be pacified by a fresh corruption that shall for a time saturate the cupidity of both. Look back at the political history of this country, to any distance that your vision will carry, and you will find that this has invariably been the case: whoever has fought, has fought for a privileged something—an advantage not merited; and the object has been to keep that, and get a little more. This has all along been Tory principle, and Whig principle, and Independent principle, and all the principles that can be named; and therefore, to those who have not been politicians all political principle has been “the bitter principle.” I need not fatigue your Lordship with the details: all the cases are proofs, and there is not a single exception.

Even when a man comes forward upon new grounds, grounds which when set down upon paper read like the song of an angel, we are not safe with him. The band raised by a military adventurer may not be so formidable to the state as the invading army of an established legitimate; but, so far as it goes, it is always more harassing and ruinous to the people, who are the consumed and not the consumers in every case of

hostility. Fighting is ever the same in principle, whether it be carried on with weapons or with wits, with swords or with speeches; and you know that an executive or a senate always works the better the nearer that it approaches in discipline to a well-regulated army. If there is not devotion to the leader, nothing effective can be done; and "To your tents, O Israel!" had better be the cry. Upon this principle, the new man—the champion of independence, who sets up for himself, necessarily embodies in himself more of the despot, than the professed adherent of an old party. Without somebody at his heels he is nothing; and, for once to cite an example, an O'Connell without Catholics would be like a weathercock without a turret—lumber in the mud, indicating nothing, and heeded by nobody. Now, under whatever pretence he may, the popular man comes in as a leader, and his glory—that which is dearest to him, that for which alone he cares—is altogether in leading. So much is this the case, that you cannot inflict upon the majority of those persons a greater misfortune, or surer cause of humiliation and ruin, than to grant them the very thing for which they clamour. Lop off all the odd money—all the shillings, and pence, and farthings, from the estimates, and Joseph Hume would squat down in *Dhurna*



(in desolation and woe) upon his hams, like a learned pundit, in the lobby of the House of Commons, for the whole term of his mortal life.

For these reasons, and they could be extended to any number of examples, and prove true in them all, there is no man, standing in his own personal character as man, that dares give to you, or to any other minister, a perfectly candid and straight-forward opinion upon the affairs of the nation; and in addition to these, which are inseparable from the mere fact of standing forward publicly, every man is coiled round and round by the ties of private life, in such a manner, that, if his opinion has weight to which any party would listen, there is always somebody which the honest expression of it would offend. Thus, besides the suspicious character of that which is expressed, there is no divining what extent of sinister purpose may be couched under it. The only man that dares to speak out—to say anything of the influence which the connexions have upon the opinion itself—is precisely the man to whom nobody will listen: he who stands aloof from society and connexion, who despises party and specious leadership; and though, when he states the truth with more than usual force and effect, some may give his manner a momentary applause, none is affected by his matter. The

world will admire the words in which truth is clothed by any body, but it will not heed the truth itself unless that be backed and supported by authority.

Some will be very apt to say, that you may obtain all the necessary information from *public opinion*. Now these are two very well-sounding words; but to *me*, they have always appeared to have much the same import as the whistling of the rustic—

“He whistled as he went *for want of thought*.”

What do people mean by public opinion? I have often sought most anxiously for its meaning; but instead of that, I have never been able to be sure that I had found public opinion itself. I have met with abundance of opinions that were *public* no doubt, and scores of them on the same subject that were all contradictory of each other; but beyond such subjects as the season and the weather, and the latter is a most debateable one, I do not think that I have met with any thing that could be called public opinion. If I were to take what appears to me as the most general approximation to public opinion, as spoken among the people of this country, it would be some such dismal dogma as this: “Every thing existing is bad; and every change of which it is

susceptible would make it worse ;” and those who can deduce any rule of conduct from this, are heartily welcome to it.

When the appeal is made to particular instances, the result is not more satisfactory. When any measure is wished to be carried or opposed in the Houses of Parliament, rolls of parchment from all parts of the country, inscribed with names, are laid upon the tables of those Houses, and appealed to by the orators, as public opinion. You of course know the origin, the working, and the value of these rolls, and so do I ; and I doubt not that you will agree with me, though not in a public opinion (mine in this case is a private one) that if you would make me sure that the whole power of the government would be exerted for any one measure, be it what it might, I could find you as many skins of public opinion in favour of it as would fill Westminster Hall. Those matters are in their origin always private, and are just as much grounded upon the private views and interests of the parties with whom they originate, as the most mercantile or even mercenary transactions of their lives, the opinions upon which they are studious to keep as private as ever they can.

I mention these things as matters of fact, and not as matters of censure : to blame men for fol-

lowing their own interests, would be about as sane and as much to the purpose as to blame any individual of the race for not having three hands or two pairs of legs. It has been the mode of human action in all nations and all ages, and under every degree and shade of civilization; and as we really know nothing about the laws and principles of human nature further than what we see men do, we must regard it as the result of a law or principle which is universal. I am aware that that which calls itself the public will not like very well to be told that it has no opinion; but when it convinces me that it has one, I shall be most happy to confess that I am in error.

At the present time, and, so far as one can judge, at all past times, opinion has been every way as arbitrary as rule; and that notion extends the furthest which is trumpeted the most loudly. That which you cry may be abused, and men may deride you when you first cry it; but proclaim away, and time and lungs will get you hearers and believers. The opinions that are most current in conversation are never those that are best founded. The reflective have no time to propagate their opinions; and thus that which circulates is the production of the gossiping and the idle; and as every one through whose hands

it passes gives it a twist, it is true only by accident, or rather by miracle.

“But the press?” Ay, the press—what portion of it is to be credited? Facts are purchased at the rate of one penny per line; and opinions and conjectures are fabricated to fill up the blanks. If a particular advertisement does not come in to prevent the calamity, there is a rumour of war, of a change in the administration, or of some dire calamity in foreign parts. The newspaper is “made to sell;” and all the efforts of the parties are directed to that object. Then they have their parties and their prejudices; and those who express the opinions have their information at second hand, are seldom very capable of judging, and so that they can but make noise enough in the world, they have no urgent motive for vexing themselves with judging. Once, when a subject of much public talk was weighing in the legislative balance, I called upon a gentleman who is accounted, and justly accounted, one of the most acute and generally informed connected with the public press, and asked him how matters were coming on. “I have not read a paper but our own, for this week,” was his laconic and intelligent answer. And why should it be otherwise? The people want news; and when the romance of to-day is

not true, a hearing is ensured for that of to-morrow. The short duration of any thing stated by it, is against the press as a vehicle of permanent information. If the same story were repeated, the paper would lose its interest; and therefore they must change and be changed; and to-day's is preferred to yesterday's, just because it is later, and without any reference whatever to the comparative merits of the contents.

Thus it really does appear, that there is no person that can offer plain and unsophisticated advice to a minister, but some such personage as myself; and I really can think upon no way of offering it, so likely to be successful, as that which I have adopted. Of the quality of the advice I shall say nothing—that must speak for itself; but I can see no influencing circumstance that can make it other than honest. This, it may also be thought, would be best judged of by the opinion itself; and that of course is the ultimate standard by which it must be tried. I must, however, be permitted to state that I really do not see what could bias me upon the subject. I have nothing on account of which to be gratified or disappointed, or to have expectation or dread of what may happen in one way or another. I strike my balance with the world every day; and part when we may, or how we may, we shall be quits.

In the second place, I am of opinion that you, my Lord, are the only person to whom the opinions that I am to state could with any propriety be addressed, because you are the only person that can dare to act upon them ; and if the opportunity be let slip, years, ages, centuries, may pass before we meet with another. Do not suppose that I mean to flatter you, for though some would consider what I have stated as praise, there are others who would look upon it as censure ; and I do not so much allude to you as an individual, in which capacity I have no concern whatever with you, as a public man, who has risen to the highest office in the state, through a combination of circumstances that should and must have left you free from many of the trammels, with which by far the greater number of those who have held the same high station have been fettered.

You, my Lord, are a production of those eventful times, which, out of the greatest apparent evil that ever visited the world, have, by the wonderful workings of that Providence, which all of us must admire and none of us can trace, brought the greatest good, the most important revolution for the better, that is to be found in the annals of the human race. I speak it without cant, my Lord ; but really, if the whole succession of events up to 1815 had, in 1790,

been revealed to the wisest man that ever lived, and he had been called upon, from these data, to show a general improvement in the nations, a liberality of sentiment, a reciprocity of good feeling, an arousal to useful energy, and an advancement in all things that are calculated to make men great and happy, he would have flung the whole aside as an imposition, and exclaimed, "Who can bring good out of evil?" The fact is, however, undeniable; and as it has been so contrary to what would have been the result of our former judgment, we must either set it down as a miracle—a violation of the ordinary laws of human society, or admit our previous ignorance of those laws in theory, and our consequent deviation from them in practice. The latter, though the more humiliating to our vanity, though the more calculated to confound the idols of our former adoration, is the more rational. There has been, therefore, no miracle; there has only been a discovery, and a very important discovery in the laws of human society; and if those who have the means and the power, neglect or delay to apply that discovery for good, they will be highly culpable—guilty of neglecting the boon which Heaven, in the course of events, has revealed to them.

This grand change, of which your Lordship



has been so efficient, and therefore so honoured an instrument, has chiefly consisted in shaking the foundations of an idolatry, which has kept mankind in thralldom through all ages; and in the adoration of which the people of this country have been especial devotees. The idol of that false worship was precedent—"the wisdom of our ancestors," words that have probably done more harm, or which is the same thing, prevented more good, than any words that ever were spoken. Those words, and the actions and practices that are grounded upon them, will form the gist of what I shall have to say; and it is because you practically know their real value better perhaps than any man living, that I address myself to you rather than to any one else.

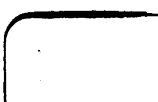
If on the memorable 18th of June, 1815—if upon fifty other occasions that I could mention, your Lordship had despised and neglected all the circumstances that were before you, and relied solely upon the wisdom of your ancestors, what would at this moment have been the value of a crown on the continent of Europe? You acted differently; you knew that the evil was sufficient for the day, and out of the day you laboured to bring the good; you laboured, and you were eminently successful. There have not been wanting those who have said that the events

of those days were mere "good fortune." When they point me out a great occurrence in political history that stands alone and insulated, not influenced by any thing antecedent or co-existent, and not in any way bearing upon the future, I shall probably be in the way of finding out what they mean by fortune: till then, I must conclude that they use that term because they know not what they mean—a very common case, and one in which all sounds are equally significant. The discovery of the fact of universal gravitation, and of the power of steam alone to do the work of millions of men, were both of them instances of "good fortune;" but it so happened that one was the good fortune only of Isaac Newton, and the other only of James Watt, the two men who, according to the evidence, devoted the most powerful minds most assiduously to the subjects, under the smallest degree of trammel and influence from the wisdom of their ancestors. In like manner the battle of Waterloo was the good fortune only of Arthur Wellesley, who, as far as we can judge from the evidence, fought all his battles upon their own merits, upon the circumstances that were before him; and therefore, in most, I may say in all of them, had the good fortune to be victorious. I should be glad to be informed how the state of things could have been



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bettered by the study of all the former wars under different circumstances, that have taken place since the four kings strove with five in the valley of salt.

In the matter of war, your Lordship must have long been convinced of the permanent and exclusive value of the immediate case, and the futility of all precedent; because, upon that principle you acted, and were successful. You have since had demonstration of another fact, so contrary to your formerly expressed opinion, that it may be at least a powerful means of convincing you that the system is of universal application, and that political, or moral, or any kind of victory, is won by the same tactics as military, the only difference being in the means. Your Lordship once said publicly that you "would be mad," or some such words, if you attempted to perform the duties of Prime Minister; and the prejudiced and the unreflecting have twitted you with the saying, alleging, some that the words were spoken hypocritically, others that they were absolutely true. I have not the least doubt that they were your honest belief at the time; because it was the general belief that no man could do the duties of that office who had not subjected himself to a course of civil study and speech-making, not at all consistent with your active and laconic

manner in the field. The fact was, that you had at that time no knowledge or experience of the matter; and therefore your opinion of it was what is called "public" opinion, an opinion formed without the evidence. The facts have contradicted that opinion; and all that needs now be said on the subject is, that a man should never despair of doing any thing, till he has gone about it in the right way and failed. That was a wise, or at all events, a guarded answer, which was given by the Highland chief to the Lowland lord. Some proverb-maker, I forget who, says, "God hath given to some men wisdom and understanding, and to others the art of playing on the fiddle." Of the Lord's endowment in the former, nothing remains on record; but he was a great adept in the latter. The Chief was on a visit, when his Lordship displayed his minstrelsey, and won the plaudits of his guests. Turning to the Chief, he said "Can *you* play on the fiddle?" "I don't know, for I never tried," was the answer; and more to the purpose it could not have been. I shall not follow up the parallel, though the Chief's playing on the fiddle, and a man who has the requisite wisdom and understanding, doing whatever he has a mind to do, be more in accordance than would at first be believed.

Your Lordship has made the experiment, and made it with a success that is not only very widely acknowledged, but very fairly borne out by the facts; and therein you have gained a victory, far from the least important upon your list. Satirists have been in the habit of jibing about "the small quantity of wisdom that can govern the world"—though the *real* governors never have been fools, whatever may have been their appropriate designation. Your demonstration has been far more important; you have shown how little farce and fuss are requisite. It was a general and an inveterate opinion, that no man was fit for that purpose if he had not drudged and studied in the schools of party politics; if the bellowings of the senate had not followed the close of his periods with the same sound, and about the same import, as the pebbles on a beach when they follow the retreat of a brawling and broken wave. The man was not to stand upon the judgment of man, but to come in extrinsic strength. Ancestry, education, an intimate study of the wisdom of his ancestry, the prop of a party, and the plausible tongue of an orator. His capacity, in short, was not to be in himself, but in the shadow of something that had gone before him; and he was to overlook and disregard the present, and regulate his conduct by the

past. If we were to commend a steersman who, sitting with his face to the stern, should look only at a single light behind him, in the guiding of his vessel, we should not be accounted very great adepts in navigation; and yet the seas of navigation and politics have thus much in common, that from a single point behind all courses are the same; so that he who shall steer thus is as likely to hit the rock as happen on the fair-way. In your own experience, therefore, you have seen and demonstrated the futility of going backward for assistance forward; and therefore you are, in point of practical knowledge, of knowledge that has been acted upon once with complete success, and may be acted upon again with the same, the very same—the only man to “lay the ghosts of our ancestors,” and deliver us and our children from the superstitious slavery of them.

But ample and practical as your Lordship’s knowledge is, that alone would not be sufficient; the power is also requisite, and it is there that you are most triumphant. A mere statesman is nothing in comparison; an orator is sound and fury—like the wind, effectless when not in motion; and a party-man must flicker to and fro with that. But your power is in yourself; your deeds as a man are recorded; and all that courts or cour-



tiers have added, however gratefully or justly, are mere consequences of them, and though taken away at this moment, would not lessen your lustre upon the pages of history by one perceptible shade. It is not in the strength of Britain, or the thanks of Ireland alone that you stand ; your character is before the world, and before it without a blot. In rising to the highest eminence of which the lot of man admits, in the field or in the senate, you stand absolved from that which very few have escaped. With the means of accumulating countless millions, I have never heard you accused of appropriating a single penny ; with the facility of attaching and enriching a more numerous and powerful party than any man of modern times, it does not appear that you ever advanced one man so much as a single step in the army, if you were not justified and called upon so to do upon account of his merits.

I do not find, in the whole volume of history, a man who stood upon such vantage ground before ; and I do not see in the circumstances of the times, or in any thing to which those can lead, the chance of such another. You can therefore accomplish, and accomplish with ease and certainty, that which no other man existing, or in reasonable prospect, would dare to attempt, or attempting could carry through.

Only show that it is just and reasonable, and would be of advantage (and the pledge of your name would go far towards the proof), and where is the opposition that could meet you. Your illustrious sovereign would not, he knows his people too much and loves them too well for opposing any thing that would contribute to their general happiness. Your country would be at your back, and so would the wise and the good all over the world. What would any party or faction do against all that? Why, storm, fume, show its weakness, make itself ridiculous, and melt away, as has been the case before.

Now, my Lord, just pause and consider whence all these advantages accrued. That you were endowed with talents capable of taking advantage of the circumstances in which you have been placed, is evident from the very fact of your having taken advantage of them; but you did not make the circumstances, and singly you could not have met them. Even in the proudest hour of your military grandeur, you were not the power, you were only the instrument—a most excellent and efficient instrument, I admit; but still only an instrument. The administration which found you in troops, and in all the munitions of war, they were not the power either;

they were only instruments : and if strength had not been afforded them, they could not have so much as bended a rush. Smaller men, those who have little to rely upon or be proud of in their own departments, are apt to arrogate to themselves that which belongs to others, upon nearly the same principle as mean men in private life are thieves and cheats ; but you really have no need, absolutely no cause for this false glory ; and the whole tenor of your actions shows that, were it offered to you, you would spurn the gift and despise the flatterer. In your proper sphere you have enough, and to spare ; and a man who has gold to give away, would not have to beg for presents of lead.

I may therefore say to your Lordship, without the least fear of giving offence, that the power of the people of England has been the real cause of all your greatness, at least such a portion of it as that, without that power, you never would have been great at all. Out of the skill of their heads, and the dexterity of their hands, came “the sinews of war ;” and but for them and their exertions, your bones and those of your brave companions in arms, might have been bleaching in a foreign wilderness. I am very ready to allow that there was a reciprocity of advantage ; that the reports of the noble deeds that

you were doing spirited them on to exertions, which, without such stimuli, they could never have made, and carried them through hardships under which they must have sunk, if there had not been a beam of glory above. But still the honour has been so much more to you as the efficient, the public, and the prominent agent, that you owe them all the gratitude you can ever pay ; and now that the course of events has placed you in a situation in which you can do them good, the obligation upon you is stronger than it would be upon any other man. It is true that any one undertaking the same high office, thereby becomes bound, both to the sovereign and the people, to promote the public interest as far as ever he can. But very many have not the means : they must work for those who set them up and who keep them up ; and after all the public routine and the private manœuvring are performed, there remains neither capacity nor time for doing much for the public. To bolster up the finances, always by very clumsy and costly, and sometimes by very absurd, and if it were not for their pernicious consequences, ludicrous means ; to fee one party, tempt another, and frighten a third ; and to hedge and cog for office, in all the wriggling and sinister ways that can be named and imagined ; have been far too frequently the system in this

country ; and are the causes why, in whole waggon loads of legislation, there is so much to wonder at and so little to admire.

Of the men by whom these things have been done, there have not been many who were under any previous obligation to the public ; and when they have parted, there has been little gratitude to adjust upon either side. You, on the other hand, came into office with a prior and powerful claim upon you, independently of any that may have arisen from the office itself. And you have, though in as far as the prosperity and happiness of the people of England are concerned it be but a very minor case, shown with what firmness and temper you can meet a very brawling and clamorous opposition—an opposition that could appeal to the throne, and all but dare the sovereign himself to approve of and sanction your measures, however necessary or however salutary.

I need not say that I allude to what is usually called the “ Catholic Relief Bill,” which was introduced into Parliament by your Lordship, and passed into a law in the Session of 1829. I never thought that measure one of much intrinsic importance, either one way or another ; and the greatest evil got rid of by the bill, certainly was the din and clamour that were made about it. That it has been taken out of the way is a good

thing, because it annually occupied a portion of time and a quantity of words which, whether they shall be so or not, might be employed to better purpose. It has also had another effect, in proving that absurdities need not be continued after they have evidently become absurdities, upon the pretence that they once were useful and necessary—a principle, of which, as the practice has been found good in one case, reason has been given why it should be good in every case:—the principal argument which I intend to submit to your Lordship.

If your Lordship had listened to and believed the rumours of fear that were set afloat upon that question, you would have been prepared to see; ere now, civil war in all its horrors in these kingdoms; and yet, so far as I have been able to find out, an additional dog has not died in consequence of the measure. Yet that was a measure which the greatest and wisest of your predecessors in office had long at heart, but dared not to carry. And why not? Not that the measure was in itself a jot more formidable, but that they did not stand upon the same high ground that you occupy. They were all in awe of something which they did not choose to mention; while all that you have to fight may be fought in

## CHAPTER II.

## THE MARCH OF INTELLECT.

By the parasites, the flatterers, the expectants of that system which fears the truth, and therefore hates understanding and knowledge, those words have been attempted to be held up as a proverb and a scorn; but that, instead of militating anything against them, is a proof that they are true and well chosen. What made your Lordship's march over so many battle fields a march of victory? Was it the mere motion of certain masses of matter? No. It was because it was a march of intellect; because the spirit and the understanding of man constantly directed the whole. What has made this island, once a cold and dripping wilderness inhabited by a few naked savages, so abundant in the comforts, and so redolent of the joys of life? Was it because the bodies of the people weighed so many pounds in the scale, or stood so many

inches in height? No. The people of Patagonia, even after all the exaggerations have been discounted, very far out-measure us, and yet they continue starving and miserable! Is it even the dexterity of our hands that has done this for us? It is not. In the use of these, we are immeasurably behind the Hindoos; and yet, while we have been advancing, and have advanced, till the four corners of the earth receive our word as a law, the Hindoos have remained stationary since the time of Sesostriis—have been an almost unresisting highway, which an invader of any tribe and from any land might pass over and trample down as he liked. When we compare our own natural situation with that of very many other nations, we find that in every thing physical we are inferior; and, therefore, it must be to intellect, and to intellect alone that we owe our superiority. Instead, therefore, of “the march of intellect,” being any thing to sneer at, it is but another name for “the march of England;” and the Englishman who dares to mock at it, is a foolish and ungrateful son mocking at his mother.

In remote times, when the progress of England was comparatively slow and little, and the great body of the people were yet uninformed—when they knew nothing, and could be made to believe anything—when the people of one



county or hundred could, at any whim by which their leader might, in a moment of passion, be actuated, be led on to a war of desolation and plunder against those of the next—when any farce was philosophy and every fable religion—when the stars could be made instruments of terror, and the elements scourges of man—and when superstition could clothe the Almighty himself with passions which men in an enlightened age would spurn and despise—it was very natural that intellect should be unheeded, and that the understanding of the people should not be noticed in the framing of laws or the structure of institutions. All that the people had then to give was their bodies in battle, and when the uninformed herd were driven from the field there was an end.

But matters are changed now, and the rapidity of the change in late years has been beyond all example. The moment that Bacon had inverted the process of philosophy, and shewn men that they should first learn and then believe, instead of believing first, and then learning afterwards, only in accordance with that belief—which, being founded in ignorance, could be supported only by absurdity—the habits of men were altered; and the body of the people, who had formerly been rated low in the catalogue of mere chattels, became the wealth and the strength of

the nation. Science, which in the college and the cloister had done little more than furnish a tissue of idle words, with which a few men could seem wise, because they were not intelligible, went forth among the productions of nature, and taught man to model them for his use. It was then that the iron of England began to out-value the gold of the Indies, and the sand upon her shores to purchase the diamonds of Golconda. Patronage too, though later and less heartily, aided the advancement ; and after the sciences and the arts had so far advanced as that they could shed a lustre upon great men, those men came forward, with most gratuitous zeal, to shed a lustre upon them. No matter : the co-operation and the emulation became general ; and the creative powers of the manufacturer became more brilliant and certain sources of wealth than the lands of the baron, the produce of which had once been the sole resource and dependence of the country.

Where wealth comes honestly, honour is sure to spring up, and the moral and intellectual character of man to rise with his condition. Accordingly, that which had been looked for in vain from the cell of the professed student, came from the workshop of the artist ; and taste and talent to do more and mightier works were the imme-

diate offspring of the works already done. Man caught emulation from man; and the success of one party in one channel that he had struck out, led others to strike out new channels. Thence arose Arkwrights, and Wedgwoods, and Watts, and Smeatons, and Telfords; and England, based upon intellect, became at once the glory and the mistress of the world.

Look at her public works, my Lord—look at the sums which she expended all over the world, from 1793 to 1815. The extra expenditure during those twenty-two years was after the rate of fifty millions a-year—it was more, but say fifty millions; and what other nation, of ten—of fifty times her territory, in ancient or in modern times, could have borne that? And yet she rides and rises buoyant—is further the foremost among the nations than she was at the beginning.

And whence came it? Of the march of intellect—of the talents and skill of the people. They would overcome, and they did overcome. It was not her institutions; for of all the causes and sources of her greatness, I cannot find that they produced, fostered, or stimulated one tittle. How indeed could they?—But of that we shall speak by and by. It was not of the produce of her soil; of the sacrifices made by her barons—those who had been at one time reckoned the

only persons worthy of consideration in the country; and to whom for a long period the power of life and death over the people had been given without appeal. They no doubt put red collars to their coats, hung sabres by their girdles, called their yeomen to horse, and marched away to the next market-town to eat and drink for one month out of the twelve. They made, in short, what was called a demonstration; and never was any thing better named: they demonstrated that the burden could not be upon them, because while the rest of the people were working, they could afford to be idle.

The drain upon the rest of the people was, in fact, a harvest to them; and those who marked the march of luxury among the agriculturists, both proprietors and farmers, during the war, must require no additional proof of the fact. But if further proof were wanted, it could be furnished out of their own mouths—ever since the peace they have been complaining of distress, and calling upon the legislature to do all manner of absurd and impossible things for their relief. The cause of their great prosperity during the war, as well as of the reverse of which they have complained since that was over, is easily seen. During the period alluded to, Government was always a large purchaser of agricultural produce,

and, as the exigencies were often hasty and unexpected, not always a very parsimonious, or even prudent purchaser. In consequence of that, the portion of the annual expenditure which flowed immediately back to the agriculturists was much greater than that which flowed back to the rest of the people ; so much greater that the rest of the people not only bore all that was actually consumed by the war, but a considerable portion of that which came to the agriculturists in the shape of gain.

It is very possible that the parties that received this advantage may not have been aware of it at the time, and may not know it even now ; for I have no occasion to tell your Lordship that they are not the very wisest or most discerning persons in the world. But their not being aware of it is no argument against its being true ; and the double, triple, quadruple rise in the rent of land, of which I know instances, and those not few, during the war, can be accounted for upon no other principle. The depreciation of the currency may and must have had some effect ; but still it could not have had the whole, as the depreciation, even at its worst, was only a third of the value, and therefore at the most, could not have raised the rent of land more than fifty per cent.

I mention this case, my Lord, just to shew that the heaviest temporary burden ever borne by this or by any other country fell upon the labour, and not upon the land—upon the skill and intellect of the people, and not upon the mere physical resources of the country. Such being the case, it is *to the people* that your gratitude is due—it is to the people that the state must look, if such a calamity should again come; and therefore, as you value your own honour and character, and as the state values its own greatness and strength, you are both bound to do every thing in your power for the people; or, to speak more truly, you are bound to remove every obstacle which lies in the way, and impedes the progress of that improvement, and consequent elevation and wealth all of which had its origin, and must receive its support, from the people, and from the people only.

If any thing more were necessary in order to establish the position, more might easily be found, in the change which, notwithstanding this increase of their rents, took place among the cultivators of the soil during the period alluded to. I am far from being an enemy to improved tastes and accommodations among any class of persons; because, after all, these are the only distinctions between civilized and savage men; between nations

in a state of prosperity, and nations in a state of decline. But if these be the signs of prosperity; and if, during any one period certain classes obtained them faster than others, it is a proof that during those periods these classes had an advantage over the others, and it also affords an argument that, as such classes had their good time, so ought they to bear their evil when it comes. To the immediate cultivator of the soil, who without ever speculating about the war and the depreciation of the currency, took his lease at a rent as if these had been to last and increase for ever, some pity is due, both because he has been in part the dupe of his own ignorance, and because, while the burden remains upon him, his landlord, notwithstanding all his complaints, is reaping a double advantage—having his income at the war and depreciation rate, and his expences at the peace and sterling one. We often find the newspapers lauding landlords to the skies because they gave back certain portions of their rents; but their so doing is no more than justice, and in the majority of cases not so much; while complaint upon the part of the landowner about agricultural distress is more than absurd; as, if well founded, it shows that they have contributed less to the impetus given to society, profited less by “the march of intellect,” than, if they were

quiet, we would be disposed to give them credit for.

But granting that the complaints of this class were well-founded; admitting that the whole agriculture of the country, notwithstanding the number of legislative enactments that are in its favour, and against the rest of the active community, were just and well-founded, what would be the necessary inference? Why, that that interest had met with an attention, and had an importance attributed to it which it did not deserve—inasmuch as the general prosperity and strength of the country did not depend upon it.

There is grumbling everywhere; with cause sometimes, and sometimes with none: and we shall come to the real sources of that grumbling by and bye. But look over the country, and see what are the general evidences since 1815. There never has been such a period of improvement; and yet there never was a period when such sums of money were squandered in absurd speculations. The savings of ten years of peace, appear to have gone far in driving the people of this country out of their senses. After 1825 it must not be said that the resources of England were exhausted, or even paralysed by all the expenses of the war. There was as much thrown away upon schemes then, as would,



at once the completion of her grandeur, and the commencement of her decline.

But the improvements that are taking place in this country have a very different origin; they originate with the people, and spring from no motive of ambition, or vanity, but the sober principle of the hope of gain: the hope that the accommodation which they afford, and the additional activity which they stimulate will, while it gives employment and bread to our increased population, afford a profit to them by whom the works have been constructed. Those streets and squares of palaces that are rising up in and about the metropolis, are the schemes of tradesmen, who not only expect to make a profit of them, but who do actually make such a profit, otherwise they would desist, and turn their attention and their capital to something else. It is the same all over the country; and you must agree with me, my Lord, that nothing can be more gratifying to any man who loves the country (and who could live in it and not love it)! than to see refinement and utility linked hand in hand. An arch is never so truly triumphant as when it spans the tide of some river, and unites the opposite banks into one community; a column is never so glorious a monument, as

when it sends up the smoke of a steam engine, which is performing the merely mechanical drudgery that once demanded five hundred men, and setting them loose for employments that call for more mental exertions, and therefore better calculated to advance their character; and a vaulted dome loses none of its grandeur, in my estimation, and I hope, nay, I am sure, not in yours, though it echo to the blows of a thousand hammers, all busy in the fabrication of domestic utensils. But there is no need for dwelling upon the detail of those things; they stand out and are palpable wherever we go, and the inference from them is unavoidable; there is a progress in the people of this country, which has sustained the country in greater peril, and is fit and disposed to carry it on to greater prosperity and splendour than ever was known in the whole history of the world: there cannot therefore lie upon any human being a more high and holy obligation than there lies upon every one who is engaged in the regulation and administration of the public affairs, and, for the reasons that have been stated, upon your Lordship in a high and pre-eminent degree, to beat down every obstacle, wherever and however it may have arisen, that tends, in the slightest degree, to obstruct that progress.

But great and striking as these instances of "the march of intellect"—the progress of the people of this country in that which is highly useful in itself and must lead to further usefulness—are, they are not the only or the most admirable ones. They are results—consequences, and the causes that have produced them are, in a national point of view, more valuable still. The minds of the people have made great progress towards a more valuable state, and that progress is accelerating every day. Among the workmen, the lecture-room is taking the place that was very lately held by the ale-house; and the scientific treatise is coming in the stead of the idle tale and the profane ballad. The printers' presses are no bad indexes to the popular mind; and the change that has taken place in what is done there within the last six or seven years, is not the least striking or the least encouraging sign of the times. So recently as the year 1822, the officers of the crown felt it their duty (with what measure of wisdom it is no part of my present object to inquire) to direct the whole power of their array against the publishers of two-penny pamphlets, as if the British Constitution and the Christian Religion had been so weak, or so little understood or regarded by the people, that they could be overturned by the most wretched weapons in the

most feeble and despicable hands. There is not the least doubt that that injudicious misapplication of power tended to make many weak and unreflecting persons suppose that there was more in those miserable productions than they actually contained, and that the outcry which was made against them increased their popularity (or rather gave them all the popularity they had) and prolonged their duration. If the necessary declarations should be published in the Gazette; if the drum should beat; your Lordship again draw the sword, put yourself at the head of one hundred thousand troops, and march away to discomfit Craig Elachie; I make not the least doubt that there are thousands of persons that would give "admiration of mouth" to the measure, and describe the said Craig Elachie as the most stubborn rebel that ever disturbed the tranquillity, or menaced the existence of a state; though you and I, my Lord, are perfectly aware, that Craig Elachie is one of the most staid and unoffending personages in the whole island.

I do not mention that, my Lord, for the purpose of imputing want of wisdom to the parties by whom those doughty deeds were achieved. I have no doubt that they thought they were doing their best—and probably they were. These displays are part of the system about which I shall,

in the sequel, address your Lordship; and if it had been possible for conduct on the part of the servants of the crown to bring the crown into ridicule, most assuredly that conduct would have done it. The King of England waging war upon a ballad shop! Why, the Archbishop of Canterbury singing ballads in Drury-lane or St. Giles's would not be half so ridiculous.

I am not now, however, to expose the absurdity of measures of that kind, or inquire into the causes why men are found to do them: in the meantime they are at an end, and your Lordship's successors will be very unfit ones if ever they recur. I mention the subject at all merely for the purpose of observing, which all the country must have observed, that these foolish and offensive matters, which were fanned into consequence by the injudicious zeal of public men, were silently driven into oblivion by the good sense of the people. The knowledge of that fact takes a weight off the shoulders of government; and therefore, by the *lex talionis*, the government stands bound to remove, where it can, a weight from the shoulders of the people.

But it is not the neglect into which the rubbish in question has fallen, that we can alone trace an improvement in the literary taste of the public. If that were all, it would be but a small matter.

It would show that the public had a sense of common decency and propriety, but it would show little more. The grand change is in the substantial and permanent reading—in the books. Only a few years ago, all books upon useful subjects were written in a style, and printed in a form adapted only to persons of scholastic education, of wealth, and of leisure. In all senses of the word, a book of science was “a load”—heavy to purchase, heavy to lift, and heavy to read. But the case is altered now, and the most respectable publishers are running a race who shall afford the greatest quantity of the most useful and accurate information, at the smallest cost, and in the most agreeable manner. Knowledge used to be a task, but now it is a pleasure; and the book of instruction has become the book of amusement. In that, my Lord, the grand point is gained; a conquest is won, mightier than has been or could be obtained by any sword; a reform more extensive and important than could have been produced by any legislation. When the instruction of mankind becomes their amusement, there is another change which inseparably accompanies it—their duty becomes then pleasure, my Lord: in all private matters they govern themselves; the trouble of their

lators had always listened to the fulminations of alarmists, the arts in England would have been some centuries behind what they are now. We all remember (for some glaring instances of it are but as yesterday) the fury with which the ignorant have attacked machinery; and we all know that if a knitting-frame be an evil, so also must be a knitting needle; and the very same principle that would destroy a steam-engine, ought also to destroy a knife and a spade, and send men to cut with their teeth and dig with their hands, after the manner of the civilized and happy natives of Australia.

On the part of the mere vulgar, these matters appear ridiculous enough, though ignorance be some excuse for them; but when they go a little higher, they really savour of madness. I have reason to believe that the introduction of the winnowing machine among the farmers in some districts of the country was the cause of fierce hebdomadal maledictions upon the impiety of "taking the wind out of the Lord's hand." I myself once heard a very pious and well-meaning, and I believe a very orthodox man, deliver a homily against a mill for spinning flax; not on account of any immorality that it tended to produce, but because there "was no type or authority for it in the Bible;" and I have again and again heard of

medical assistance, in cases where it would and in spite of the prejudice instantly did good, being objected to on the very same ground as the winnowing-machine: so inveterate are prejudices; and so constantly ought those who are called upon to legislate for a great nation be on their guard against them. The progress of information among the people is, however, fast rooting these out; and the next generation will be astonished that they were entertained by any body during the present.

But, taking the whole improvement that has occurred, and is occurring, among the people of this country, with all the increase of wealth, splendour, and power, that is every where resulting from it, there is one question especially worthy of consideration, and that is—"Whence does it come?" Every one, my Lord, is fond enough to have the merit of good after it has been obtained; and therefore, I have no doubt that any one class of persons to whom you would put the question would claim their share, and a pretty large one; though if you made them explain to you what they had done, and how they had done it, they would be at a loss. A very simple agent, my Lord, has done it all—THE SIX-AND-TWENTY LETTERS OF THE ALPHABET. The public institutions have not done it; "the



wisdom of our ancestors" has not done it ; legislation has not done it ; the church has not done it ; the schools have not done it. We had all these things before it came ; and for century after century they produced no effect. And how could they ? All that institutions, even though thronged full with Solomons, could do, is to regulate ; they cannot create the spirit—though, when in bad hands, they can quench it. That it has not been quenched in this country, is in favour both of our institutions and of those who have had the management of them ; but still that cannot give them what is contrary to their nature—a productive power.

Proofs of that are not necessary ; we have only to look at the facts. We are not to suppose that any of those institutions have fallen back. Those who have the working of them are men and Britons, as well as the rest of the community, and therefore they must have partaken of the spirit that has animated the country. But no one can deny the fact, that those institutions have fallen sadly behind the people, compared with what they were a century ago.

At that time, you could hardly have found a scrap of science without the pale of the Royal Society ; and now, as compared with what is found in the country generally, you can hardly

find a scrap in it. As to useful science, that which leads immediately to an increase of wealth and comfort, there is now more in the workshops of London alone, than in all the Royal Societies that ever existed. Formerly we used to have by far the greater part of our books from the Universities; how many come thence now, and what is their practical worth when they do come? The case cannot be otherwise: among schoolmen learning is at an end—brings its reward without application; among the people it is only a means, valuable in proportion to the use that can be made of it.

I wish not to be misunderstood, my Lord. I am not writing a philippic against those institutions. I wish to attack no person or thing; but merely to state the truth, which connexion prevents many from seeing and more from stating. Those institutions have had their uses; and so had the crop of wheat in the year 1500. Possibly the seed may have been preserved from both; but the one really contributes as much to the physical nourishment of the great body of the people in the nineteenth century, as the other does to the intellectual. Those institutions do not overtop the world as they did once; and though they be very splendid and are very properly endeared to the country by many gratifying recollections, they probably would not be very

much missed now—certainly a great deal less so than they would have been in former times.

And yet, as I have said, those institutions *should* be filled by abler men at present than they were in earlier times; and if the fact that they *are* so be denied or doubted, that is a farther confirmation of my argument. If the learned persons there do not stand as conspicuously superior to the public as they once did, it is a proof that instead of having given the impulse to the public, they have not even partaken so much of it—that a portion of the impetus from without has been spent in overcoming their *vis inertiae*. If they have fallen back—if they are really, in themselves, and without any reference to the public, inferior to what they once were, that would go to prove something else—something which I should be very unwilling to admit.

But if the learned institutions of the country have not the merit of the renovated spirit of the people—and it is an intellectual renovation, and therefore should, one would think, have been chiefly derived from them—none of the other institutions can put in a claim for it. The church is certainly not now what it once was. There are no Taylors, and Barrows, and Butlers, and Derhams, among the clergy of these days; and with all his polemical violence, I must take time to

consider where I could find a Horsley. There are clever and able and eloquent men among the clergy no doubt; but they do not shine as they once did; neither do they, in comparison with the writings of other people, write half as well. You are familiar with the eloquence of the bench of bishops, my Lord; and discounting as largely as it is possible to discount on the plea of modesty, you must agree with me that there is nothing very superior to be boasted of there.

Now the case here stands very much upon the same dilemma, as that of the learned institutions. We dare not admit of a falling back, or our admission would draw us where we have no inclination to go; and therefore we are bound from the facts to say, that if the clerical members of the church have advanced, the lay-people have advanced a great deal faster. We have therefore no alternative but to conclude that the church has not, as an institution, given that impulse to this country which has already done so much good, and is giving the most unequivocal proofs that it will do so much more. I do not deny that the members of the church, as a part of the people, have contributed their share to this spirit; for I am inclined to think that all, even those who, in speech or writing, have been against it, have done this, by exciting attention and inquiry,

which, when once properly awakened, always ultimately lead to the truth.

This impulse has not been given by the legislature; though that, from its more popular form and its more intimate connexion with the condition and prosperity of the people, has felt more and partaken more of the spirit than those classes to which I have already alluded. Besides that which they do in the way of statute-making, and which is good only *secundum quid*, as the schoolmen used to say, the two Houses of Parliament do the people of this country a great deal of good in the way of teacher-craft. There is really a very great deal of talent and good sense in both houses; and, when they keep clear of parliamentary metaphysics, and discuss practical matters, they convey a great deal of information; and it is by no means unlikely that the reading of their debates, may have had as much effect in promoting a love of reading and a habit of thinking among the people, as any thing else that could be specified. When we speak of the legislature as such, however, we speak of it as making laws, and not as making speeches; and in this respect it must always, even to do the very best that it can do, be behind the people, in as much as it ought to legislate so as to meet the state in which they actually are, and not some

imaginary one in which they may happen to be; because, to legislate in the latter way would be to presume and proceed upon what might never happen. Up to a period not very remote, a great deal of the time and attention of Parliament was taken up with measures foreign to the internal condition of the country; so that, during the war, the useful part of legislation fell behind—fell behind at the very time when it was most wanted. But along with the falling behind, there very probably was something like forgetting the way, which is very apt to be the case with people in any profession, when their attention has been for more than twenty years directed to another and a different one. Accordingly, the attention of the one party was, while the expences were so great, more frequently directed to the readiest way of raising a large revenue, than to the effect that that would have upon the industry and prosperity of the people; and the other party made their opposition probably as often upon party and theoretic grounds as upon any that had been deduced from the requisite quantity of practical observation. There have been proofs of something like a want of skill in what has been done since those measures occupied more attention. The new statute has not always fitted the hole made for it among the old ones;

and therefore it has often had to be patched and altered, and sometimes it has not worked after all. The spirit of the Houses has latterly, however, been rather commendable ; and that gives reason to hope, that a little experience will improve them. Still they have not been the first in the march of intellect ; they are considerably behind, but following as they best can.

I need hardly mention to your Lordship that the law has not done the business, because law is a matter in which there is no power or even possibility of improvement ; and also because, with the exception of a few trifling alterations, some for the better and others for the worse, the law remains just as it was ; or, if there be any change, it is that the increase of property and business has given occasion for more lawsuits ; and it has thus become an additional burden and clog to the people. There is no need for much to be said, however—the character of the law has been pretty truly described both in the senate house and out of it ; and I believe no man, except those who follow it as a profession, ever found it to improve upon acquaintance. But the law is a mere matter of application, with which the judge has nothing to do but apply it as he finds it ; and therefore, as inprovable, it falls within the province of the legialature.

I believe, my Lord, it will not be very necessary to descend lower. The quorems of counties, the corporations of cities and boroughs, and the septs that inflict their labours and visitations upon parishes, never, I suppose, dream that they contribute any thing to "the march of intellect." I have no wish to censure or misrepresent them; and therefore, on this part of the subject they may be passed over. When, therefore, we glance over the whole, we find that the cause of all the improvements that we see springing up all around us in so great and so delightful abundance, is in the people themselves; they, therefore, are the objects toward which all legislation should be chiefly directed; and it is the duty of every minister and member of the senate to study intimately the case and character of the people, not through any particular class or party (for all these have opposing interests) but as they are among themselves.

Do not let it be supposed that though I am, from the evidence, compelled to reject the institutions of the country as not being the causes of its prosperity, I have any hostility to those institutions: if they hinder not the progress of the people, they are innoxious; if they promote it ever so little, they are good.

Some, who speak without knowing very well



what they say, will, from what I have mentioned of the church, the law, and other matters, be apt to accuse me of attacking the constitution of our country; but I need not tell your Lordship, that these things are not the constitution; and that those who imagine that they are, are totally ignorant as to what the constitution is. That a large portion of ground, otherwise favourably situated, is allowed to lie waste, because, if brought into cultivation, it would pay more in tithes than the profit that it would yield to the cultivator, is not the constitution; that a man's life and forty shillings are of equal value in the view of the law, is not the constitution, any more than that statute which awards for a certain crime, "fourteen years' transportation beyond seas: one half to our sovereign Lord the King, and the other half to the informer," is the constitution. As little is it any part of the constitution that a man's person should be seized and cast into jail for a debt, even when the wages of his labour is the only means that he could have of paying it; while of his property, however abundant that may be, not a shilling can be secured, but may be concealed away, till he comes out of his prison, ruined in his reputation, and tainted in his morals. It is not absolutely the constitution either, that a man should be cast into prison

for life, because he does not obey an order of a court, couched in a jargon which to ordinary men is, and possibly is intended to be, perfectly unintelligible.

These and many other things, more out of the way of ordinary supposition or belief, may be part of the obsolete, or even of the existing custom or law; but Heaven forbid, my Lord, that they, or any thing even nearly like them, should ever be part of the constitution of England. If such were the constitution of England, we could call it glorious, only in mockery and derision, for such glory would be a shame.

So far from these, or any other customs or practices which are contrary to the generally established principles of reason and justice, being part of the constitution of the country, they are violations and outrages of it, and exist only because the spirit of it has not been put in force. It were a wretched day for England if ever her constitution should be written in a book penned by mortal man, and to remain unchanged. It is written of the laws of the Medes and Persians that they were unalterable, but the empires were alterable and soon decayed. The customs of the natives of India are also unalterable; but government has chased government over the surface of that country, almost as rapidly as the sha-

dow of one cloud chases that of another over the surface of the sea. If you wish that the decay and ruin of any thing terrestrial shall be certain, the most infallible method is to decree that it shall never be repaired; and that applies to the laws and usages of a people as much as to their clothing or habitations.

The strength of the British Constitution, like that of well-tempered steel, lies in its elasticity; its beauty consists not in the hoariness of age, but in the freshness and vigour of perpetual youth. It is the power of the King, Lords and Commons, to preserve the laws in a constant accordance with the changes and interests of the people. It is in this that the boast and the strength of England lie; and when this sacred compact is violated, either for the preservation of an old law or the introduction of a new one, contrary to the general good, the constitution is to that extent invaded, and a law, higher than any custom or statute, is broken by powers which the ordinary law cannot reach; and were such a case to happen, there is no arbiter between the rulers and the people, other than—the ultimate appeal of sovereign power.

And this, it must be admitted, is a glorious constitution—a constitution which the noblest monarch and the most enlightened statesmen

may, and must, feel proud to administer. If the statutes of the country had been fixed, at whatever time and with whatever degree of wisdom they had been made fixtures, they would soon have become absolutely inapplicable; and the current of public improvement, interrupted by them, would have chafed a little, and then sunk down and stagnated. But ever as improvement runs on, the flexible nature of the constitution bends to it; and should, by its elasticity, accelerate rather than retard the current. Thus, instead of being a dead letter, a piece of lumber of days gone by, the constitution of England is a living principle, which can renovate itself in all times, and be as young, and apply as well, a thousand years hence as it does at the present day. Such a constitution cannot be tainted by permanent corruption or defect; for if, by any hallucination or other cause, a bad statute should creep in, the three great guardians of England have only to rise in their power and dash it out; and when the people feel that any thing has become stiff and oppressive through age, or that any thing is wanted, they have only to make the case known and demonstrate the necessity. This privilege on the part of the people to ask, and on that of the three great depositaries of the consti-

tution to grant, upon satisfactory cause shown; and the impossibility of any thing being altered, without being publicly discussed and sanctioned by the three branches, is the security of the greatness of the country—that which makes them feel safe, and willing to do, and therefore able to contribute towards maintaining the public institutions and officers in a degree of splendour becoming the power and wealth of the whole.

But still the most valuable part of it is the power—and not the power merely, but the obligation, which the superintendents of the law have to set it to the times. It is true that this is not always done as it ought to be; because it is very difficult to get at the facts as to what may be most beneficial to the whole of a population so variously occupied; because, some classes are better able to make what they need known than others are; because, no degree of care can keep, both the information and the acts by which it is followed up, from being, to a certain extent, tainted by connexion and favour; and because the ignorant part of the community are always at the mercy of pretenders. The progress of information will, however, tend to lessen the last of those evils, and will not be wholly without effect upon the others. So that, upon the whole, we are

in possession of the general elements of happiness, and ought also to be in possession of the happiness itself: or, at all events, if that be found not to be the case, we have means by which the evil can be remedied.

## CHAPTER III.

## GENERAL FACTS.

WE have seen, my Lord, that there actually is a rapid increase, both of wealth and of intelligence in this country; that the source of this improvement is in the people themselves; and that the constitution provides that the happiness, which is the natural result of such a state of things, should be distributed among the whole people, according to their respective stations—that taking the average, the peer should be a thriving peer, and the peasant a thriving peasant; and that the only exceptions to this should be, those cases in which an explanation could be seen in the conduct of the parties.

And here, my Lord, arises the grand question; the question that most particularly and gravely addresses itself to your Lordship's attention. "Are the people actually in the enjoyment of this equality of prosperity and happiness?" *Hear* them, my Lord; or, lest they should be complaining without cause, *see* them—look at the facts,

and according as you find these, determine and do. I have heard the complaints, my Lord, and I have looked at the facts; and the conclusion to which I am forced to come is, that along with an unprecedented increase of wealth and intelligence, there is an increase of privation and misery fully more unprecedented. The number of persons in these kingdoms that are driven to extremities, and even to crimes, by the stern rod of necessity, is greater than probably ever was experienced before. Those who are already rich wax more so, at a rate of which the annals of nations afford no corresponding example; but those who are poor must not only remain so, but sink deeper, if they do not uphold themselves by means that are neither very honourable nor very honest.

It is matter of demonstration that to occasion the distress, of which there are everywhere but too clear proofs, nothing new has happened in the way either of political measure or public casualty; the acts that have recently been passed, giving more liberality to commerce in general, and more freedom to some branches of trade, excited, as every change, how much soever it may be for the better, appears to excite, a great deal of clamour; but that clamour has been shown to be unfounded, not by mere argument, but by facts so



open to the scrutiny of all, that their truth does not admit of the slightest question. When the statute for a reciprocity of trade with other nations was enacted, the complaint was, that it would drive British shipping from the seas; and after it had been some time in operation, the assertion that it had done so was very general and vehement. But those who made that complaint satisfied themselves with the bare making of it; they never once thought of counting the keels; so Mr. Húskisson had nothing more to do than to produce the registers of our own custom-houses, which demonstrated that they had been great gainers by the measure, and of course sent them home silenced and confounded.

In like manner, when the silk trade was rendered a little more liberal, the complaint was, that it would be ruined; and there is no doubt that the system upon which it had been carried on received a shock. But that happened because, hemmed in by its monopoly, that branch of industry had felt none of the advantages that other branches had derived from the introduction of better machinery and modes of working. The laws which had been originally intended to protect the silk manufacture from injury from without, had the general effect which all exclusive laws enacted at any particular time, and con-

tinued without modification, must have at all times, and especially when the people, and that part of their industry which has no such trammels, are in a state of rapid improvement. Intended as a barrier against supposed evil, those statutes always prove barriers against actual good. All the legislation in the world cannot shut out decay; because, be the thing guarded with what it may, decay comes in the course of time; but it is very easy by such means to shut out the repairs by which alone decay can be prevented. If any object be so walled in that nobody can approach it, the ruin of that object is most certain in the end, and it commences when the enclosure is completed. It is thus with every result of the arts; and as we have no evidence or means of judging of any art but the results, it must be thus with every art. The manufacture of cotton, of iron, of brass, or of porcelain, was hedged in by no such protection as that of silk; and in each of these, the superior skill and industry of the people of this country had not only lowered the cost to the consumer by some hundreds per cent., but enabled us to dispose of our wares largely, and at a profit, to the very people from whom we at first derived our knowledge in the art of making them. That is a fact that should never be lost sight of, because it proves more

clearly than any other, that the most favourable circumstances in which any branch of industry, or the people employed in that branch, can be placed, is, that in which they have the least connexion with any statutes, except those that prevent any one from injuring another; and that in which the public burden is equally borne, and not too heavy.

On the subject of the silk trade, the fears that were expressed, and there was no want of loudness or confidence in the expression of them, were just as unfounded, and therefore as unfuted by the result, as those on that of the shipping. The only results have been, an increase in the quantity of the trade, its establishment in places where it was not formerly known, and a much cheaper supply to the public. Nor has the more abundant supply and the cheaper rate arisen from any influx of foreign manufacture, but from the results of a more extended and judicious application of British industry.

But even although the reduction in price to the consumer had been the consequence of importation, that would not have altered the case, in so far as the general interest is concerned. All that it would have proved would have been, that, as a national manufacture, that of silk was an unprofitable one to us, and that our

wiser policy would be to give it up, and in as far as we wanted silk, endeavour to find the article which those who could supply us better would take in return for it; and whether that article had been goods or money, would have been a matter of very little moment. But the proof that has resulted from the alteration of the silk trade is different from that; it has shown us that out of veneration for old regulations—regulations that had been made when the knowledge and industry of the country were in a state very inferior to that in which they now are, we had been carrying on a branch of national industry in a much less profitable form than it would have assumed, had we left it to itself.

But though I have related those examples, as ones about which a great deal of noise has been made, they are not the only ones; for I cannot find one instance in which the removal of a prohibition or restriction has not been an advantage to the country, how much soever some individuals may have complained against it, or been injured by it: and the longer the prohibition or restriction has been in operation, the benefit arising from its removal has always been the greater.

That there should be complaint in all cases of change is quite natural; and it generally happens,

that those complaints are to a certain limited extent, well founded — that some individuals are actually made worse by the change, whatever may be the benefit of that change upon the whole. Nor is it difficult to see the reason, or to see in that reason an additional argument in favour of the change. Whatever may be the state of things, there are always some persons who derive advantage from it; and a bad system, with reference to the industry of the country, is neither less nor more than one by means of which a certain number of the people derive an undue advantage—the system being bad just in proportion to the small number of the favoured party and the greatness of the advantage that arises to them. Now, the more limited the number of such persons is, the more easily can they combine and conspire together, so as to conceal the real merits and the general bearing of their case not only from the people generally, but from the legislature. The greater, too, that their advantage is—that is, the more injustice that for their sakes is done to the public—the greater outrage that it does to the spirit of that constitution which should provide equally for the freedom and prosperity of all, the more likely, nay, the more certain, are those who are interested to be loud and vehement in their com-

plaints. Great caution is, therefore, always necessary in dealing with the complaints and petitions of limited numbers of the people, especially when as a privileged class, or sept, they complain against any liberal measure. The rulers of this country are of course expected, and bound, to listen to all complaints; but when one comes from a quarter of the description alluded to, it is far safer to consider it as a sort of *prima facie* evidence of the goodness of the measure complained against than of the opposite. At all events such a complaint should not be complied with, without the most careful examination.

If the exclusive privilege has been of long continuance, and the advantage it confers great, the case used to be one of very great obstinacy. The people who enjoy such advantages acquire great wealth, and all the power and influence which that can command; and though there is no necessity for supposing that this is a consideration by which any prime minister could be directly influenced, or by which your Lordship could be influenced at all; yet as the ties by which men are linked together, and the biasses that may warp their opinions, are not matters of public knowledge or record, this influence may reach much higher than either your Lordship or

I would imagine, and work in quarters where we would not suspect it.

Indeed, for or against any measure, and whether they have few signatures or many attached to them, petitions are always but slippery grounds upon which to legislate; and though they may be very good reasons for inquiry, they ought never to be acted upon without a great deal of that. I would be far from undervaluing them, or recommending to any official personage to imitate the god in the fable, who threw down a deal end among the croaking frogs, and thereby closed their existence, as the most summary and certain way of quieting their noise. They have their value; and an important value it is: when they come spontaneously and in numbers, without any temporary exciting cause that is otherwise apparent, they are proofs that something is wrong; and though the probability that that which they recommend or pray for would only make matters worse, they are warnings to those who have the working of the constitution to inquire into the evil and apply the remedy. Other than this they have comparatively little value, and sometimes, indeed, very frequently they are not valuable even thus far. They have sometimes been called for in order to cloke an

evil ; they are generally the work of a few individuals, who have their own objects in view ; and though the crowd at a public meeting, ever so numerous, halloo and toss up their hats in favour of them, that does not add much to their real worth.

I have felt it my duty, my Lord, to make these few remarks on petitions and complaints, and they are the result of much observation and a good deal of practical experience—for several reasons. In the first place, meetings have been held, and are in the course of being held, in many parts of the country ; and that without any stimulus that can easily be seen on political or party grounds. They do not arise out of any specific act of the legislature, either past or in prospect ; they all complain of distress ; and in so far as I have been able to understand them, they do not appear to complain against any act, at least any recent act, which applies only to the productive industry of the people. Those meetings will, as a matter of course, be followed by petitions as usual ; and as example in such cases is very generally followed—the one part of the country bringing the other before the legislature—the petitions may be very numerous, and lead to a great deal of discussion. Whether they shall be numerous or not—whether they shall come from every shire in the United Kingdom, or be con-



fined to one petition signed by the chairman of one meeting, they are of that kind which shows that something is really wrong—that the energy of the country is clogged by some antiquated and lagging lumber which it is the duty of the legislature to cut away, or that in some part of its career it has run farther than the arm of the constitution has been extended for its protection.

In the second place, those petitions ought to be the cause of a full and immediate inquiry, in order to see what is really wrong. Although that seems at first sight so obvious that a single step in legislation ought not to be taken without it, yet it appears to me that there never has been what deserved the name of a calm and thorough inquiry, conducted upon philosophical principles, and unclogged by prejudice and party interest. Three-fourths of the legislating that has taken place, even in very recent years, might be cited in proof that it was done in very great ignorance, not only of the general state of the country, but of the real merits of the particular cases to which the enactments more directly applied.

Proofs of that ignorance are so numerous and apparent, that there is hardly any need for citing them. The enactments that have followed are evidence in themselves; for they have very generally had to be mended and altered before they

could be applied at all; and the distress that still prevails, without, as I have said, any specific or known cause, shows that the matter could not possibly have been understood; because, if legislation had been running contrary to principles clearly deduced from established facts, somebody in one of the Houses would have said so, if only for the sake of the notoriety that it would have given him.

How, indeed, could the case be otherwise? Inquiry has been generally, in the ultimate instance, the only one that is of any value, been deputed to those whose interest it was to mislead, or at all events to conceal—the very parties who were making a trade and a profit of that into which they were deputed to inquire. I may mention the two cases of the education charities and the law. The first of these inquiries was indeed unfortunate as to time; because, though the period be not very long past, men were not quite so capable of inquiry as they are now, and they were much more distracted by party feelings and animosities, and much more frightened by the shadows of coming clouds, which have since passed over without doing any harm. But that inquiry, though as one of plain facts, where there was, or ought to have been, a record to appeal to for the details of every case, was paralysed by the in-

fluence of the parties interested. Enough was seen to show that there was a mighty mass of abuse, and that that abuse had so consolidated itself as to be able to defy the legislature.

The case of the law was rather more fortunate in regard to time, but that was more than neutralized by the greater difficulties which it involved. The laws of England (I do not mean merely or chiefly the written laws or statutes, though these are often bad enough) taken as a mass, have the singular quality of being wholly unintelligible to ordinary persons, whatever may be their natural acuteness or acquired knowledge, even in the distinctions of right and wrong. Those who make the law a profession, pretend to understand it—and they appear to do so as far as to make it answer their own purposes; but there is really no knowing whether what they lay down be the law or not. With such a subject it was not very easy to see how to deal so as to get an intelligible view of it. I would have thought, and I dare say your Lordship would have thought, that as the object was to make the law more pleasant and profitable to the people and not to the professional lawyers, the evidence of the people would have been taken. If the people were to be bettered by any change that was to be made, one would have thought that the first step in the matter should have been to

find out what they really did complain of. I have already said that their complaints, and notions of what would remove that of which they complain, ought not to be taken as grounds of legislation, but as guides to farther inquiry.

But if the complaints and opinions of the people, for whose advantage the laws profess to be made and altered (and far be it from me to say that, on the part of the legislature, the profession is not perfectly honest and sincere), be not safe groundson which to alter and try (for upon unknown grounds it can only be a trial) to amend, it will not surely be said that the opinions of professional lawyers are better. Without any allusion to a systematic combination against the public (and in the case of the practitioners in the law there is no necessity for making such an allusion), the mere fact of the opposition of the honest and even praiseworthy interests of the parties, is sufficient to convince me, and I have no doubt, nay, I am sure, to convince your Lordship, that the opinion of professional lawyers is not the foundation upon which to build any alteration of the law that could by any possibility be useful to the public. Granting (and why should I deny the grant?) that every person in any way connected with the administration and working of law and equity, from the Lord Chancellor of England

down to the village attorney that hunts for small suits in the ale-house, and as much lower as it is possible to descend, is actuated by no motive but that which is accounted honourable, and is honourable in all professions—the desire of making trade as extensive and as profitable as it can be made; still it follows, necessarily and unavoidably, that the bias of the profession must be to keep the law going to the greatest extent and at the greatest cost to the public. This is at least what any other class of men would do under similar circumstances; and though there be no reason that I wish to bring forward, to show why lawyers should act worse than other men, I can find or fancy no reason why they should act better.

The question with all people in business, before they enter upon a new transaction, is, “will it be profitable?” If the answer be in the affirmative, they are sure to do it, and they will even speculate a good deal upon hope. Therefore, the only question with the lawyer is, “shall I get my fees?”—and if the answer be in the affirmative, he is sure to recommend proceeding. But a lawyer has many securities for payment that other people have not. He has always two parties bound: he can proceed to the greatest extremities against them with little additional cost; and thus, though both the parties should be unable

to satisfy his demand, he has the chance of wringing the sum out of the pity of their friends, if they have any. In every light, indeed, in which it can be viewed, the worse the law is it is always the better for the lawyer. It is his interest that it should be expensive, that it should be tedious, and that, to all but lawyers, it should be incomprehensible.

And yet when it was proposed to reform the law of England, the business was deputed to a junto of lawyers. I compare not the persons, but the situations: but really, to depute a junto of thieves to reform the criminal law, would be a case nearly parallel. It is of no avail to say that the men to whom the matter was committed were honourable. I have conceded honour to the whole tribe; and I contend that the very honour—the laudable wish of bettering their circumstances by the exercise of their craft, is the foundation of the false view that they must take of the matter. A lawyer cannot take a client's view of the law; and yet that is the view upon which to legislate. When you or I, or any one else, my Lord, is forced to go into a court of law (I do not suppose that any sane person will go there voluntarily—at least *not twice*), be we plaintiffs or defendants, when we come out with our pockets empty, and totally ignorant as to

whether we have got justice or not, have very different notions of the law from those parties who march off with the cash in their pockets.

I am aware that there is a difficulty here: nobody can understand the law but a lawyer. Perhaps they do not understand it—certainly none of them understand it all, but still they know much more about it than other folks, and therefore it is natural to apply to them; or rather, perhaps, they are applied to upon the general habit that men have acquired of applying to legal advisers in all cases where the law is likely to come in contact with them. None but lawyers can tell how any new regulation will work with the old ones; and even they do not seem to be fully masters of that part of the subject, as has been found in the case of some of the trifling changes lately made.

But, though in the present state of matters there be difficulties, these are not reasons why this case should be left to the management of the parties interested. The impropriety of employing them is a general principle founded in the very constitution of human nature, and therefore it cannot be altered by any change of circumstances. Even the system of King's evidence (which, by the way, is a very doubtful system) does not apply. The associate who impeaches

thereby screens himself, and that, and that only, is the motive by which he is actuated. But, if a lawyer were to lay bare the working of the system, and show the real cause why justice is so costly and so difficult to be obtained, he would be like Sampson tugging down the pillars; and those whom he would crush along with him would be his own people, and not the Philistines.

But besides the argument from the general principle, which is in itself invincible, there is an argument from the facts. The law, as it now stands, is the work of lawyers. It must have been so, because if any other class of persons had made it, somebody would have understood it; and besides this, we have the historic evidence. The whole, as it stands, therefore, is a system made by, and therefore for, those who make a daily trade and profit of it; and, consequently, nothing can be more ridiculous than to send it back for amendment to the very persons who intentionally made it what it is.

When every individual man makes the law for himself, we call that a lawless state—a state of anarchy, and we pity those people among whom it is found: and they need our pity; for, if they be savages, they never become civilized; and if a civilized people be visited by a period of it, they degenerate every day. And



yet, my Lord, the difference between individual men and individual classes of men, making the law for themselves, is really very little in principle ; and if every class and profession were to do it, it would not be much better in practice. Now it has been very much the case with all that are called "the privileged orders" in this country. They have chiefly made their own particular laws ; though most of them are so old that we do not think of the absurdity. We have one modern instance, however—an instance of this century—the corn laws : and with all the amendment that these have received, a precious piece of legislation they are. If it were not that the loss to the country is too serious, the makers of the corn laws in the act of working them would be extremely ludicrous. These laws put one in mind of a giant fool who has, in a phrensy, got hold of a great two-handed and two-edged sword by the point, and is making the hilt whirl and whistle round his ears, while the blood is all the time trickling from the gashes that the edges are making in his fingers. The simile is but a homely one, my Lord, but the subject is rural, and the homeliness does not much injure the likeness. Since the landed interest got these corn laws, they have complained a great deal more of distress than ever they did before ; and

it did not appear that, except those laws, there was any thing hurting them that did not hurt other people. They will, in all probability, be the chief complainers this session, though the chance is, that they will not ask any new restriction upon the trade in corn. Indeed, their small success in that should make them chary as to how they would legislate, and go to school a while before they venture to become teachers.

Thus, my Lord, it appears that when the business of legislation is delegated to the particular party that is interested in a measure, the result is always bad as regards the rest of the country; and that, to the parties themselves, it is sometimes good and sometimes bad: good, for instance, in the case of the lawyers, but bad in that of the landowners with their corn laws. The conclusion to be drawn from all that is, that we ought to have no legislating upon partial grounds; no inquiry made to be conducted by the parties having a personal interest, because that must invariably do harm to the country generally, without any certainty that, as in the case of the corn laws, the greatest harm shall not be done to the party intended to be benefited.

Having thus, my Lord, seen a little of what a wise and useful legislature should avoid, the next part of the subject is to try to find out

what it should do. This is a part of the matter upon which your Lordship could find as many counsels as there are men living to give them; and possibly they would be much more nearly equal in value than, from the differences of the men, one would at first suppose. There is, therefore, only one course left, and that is actual observation, putting aside the complaints, the opinions, and the remedies that may be made, given, and proposed by individuals, and looking at the whole system of the country.

At first sight, this may, to those who have not reflected much upon the matter, appear to be difficult or hardly to be practicable; and so vague and general as not to be of any, or at least of much use, though it were. But such is not the fact; and the chief cause of the distress having been suffered to remain, or not having been removed by the very voluminous mass of matter that is every year added to the statute book, has been the want of a general inquiry. We have seen that, in some of the most important cases, the inquiry has been made in the wrong quarter. But although it had always been made in the right one, the plan that has been followed has been imperfect; and though it could have been demonstrated, that any particular measure would do good in one place, we have never

been sure that it would not do as much mischief in another. With the intention of our legislature, I have not necessarily any thing to do ; and therefore I may presume that it has always been for the best. But it has been legislation in patches, and has never proceeded upon any general principle—if we make the single exception of those measures which extended the freedom of trade.

Now, though the links that connect them are not always very obvious, or very easily traced, there is a connexion among all the interests of the country, whether they be those that directly contribute to its wealth or not ; and unless those connexions are seen and attended to, there is no certainty that the general effect of any one measure may not be mischievous. There is, indeed, one set of measures, of which we are always sure that the general effect will be good ; and that is, the taking off of restrictions which confine any kind of act or exertion that is honest. We must admit that, taking the average, private men who have the whole bent of their minds and the hopes of their success in life turned to a particular subject, must understand much better how to deal with that subject, so as to produce the greatest advantage to themselves, than any statesman, whatever may be his talents or character, who

merely looks cursorily at it along with a thousand other subjects. The prosperity of the country is nothing but the prosperity of the individuals that inhabit it; and, therefore, the most perfect system is that which leaves the whole under the least restraint, other than that of a moral nature—that which prevents any one from injuring his neighbours. If the law puts any restraint upon a man, it should be as nearly as possible the restraint that a wise and good man would put upon himself. For happiness, for greatness, for revenue, for public splendour and establishments, for every thing that honourable ambition in the rulers of a state can desire, the grand and general principle is—"Let the people do what they please, so that they deal honestly by one another."

That is a principle to which there is no exception; and that single principle is the master-key to the information which your Lordship should obtain, if the high honour of removing the present distress of the country, and introducing methods by which it shall not again become distressed, is to be yours. We have seen that the energy is in the people; that there is productive power sufficient to cover the country all over with works that blend usefulness and beauty. One half of the labour which the ministers of

darker ages fancied they were charged with, is therefore spared you. They, by some singular hallucination of self-importance, would needs be the wind as well as the steersman ; and in that portion of their exertion they have produced the same effect, as the man who placed the bellows in the stern of his boat, in order that he might have the wind at command, and thus be independent of the casualties of the atmosphere. The man puffed and puffed, but not an inch did the boat stir. And how could it ?—for, with whatever force he puffed against the sail, the sail pushed back with precisely the same. The boat was a simple matter ; and the man now saw the blunder that he had fallen into, flung the bellows overboard, and waited the wind as before. It cost legislators a good deal more time to find out that they could not produce wealth by legislation ; but it is presumed that they have found it out now ; at all events, they have had plenty of experience, and so it may be as well to presume that they have.

Such being presumptively the case, the inquiry as to how the business of legislation is to be conducted, so as to have the most beneficial tendency upon the whole people, is reduced within a very small compass ; and it is really only repeating, in other words, the spirit of the

constitution : " See that the laws and regulations of the country keep pace with the country itself."

But where is the observation to be made? Of course, in those things that are most permanent in their nature—in the most ancient things. When people wish to see if any repairs are wanted, they do not pick out the new bricks, and hew down the new beams; they examine the old ones; and the institutions and regulations of a people follow, in the matter of repairs, the very same law as their houses. It is that which is least in the spirit of the age that should be changed—that which was planned and adapted to the habits of a very different people; and I am quite sure, that if your Lordship would but look determinedly and resolutely at that—ransack all the antiquated and useless lumber that the people of this country have to carry—you would find a quantity sufficient to have weighed down any other people on the face of the earth, and admire the elasticity in Britons that had enabled them to make such rapid progress under it. So observing and admiring, I do not think you could refrain from attempting its removal; and with your Lordship, attempt and success would in that case be synonymous, and almost simultaneous works.

" Aye, but the wisdom of our ancestors;

who would dare to lay the unholy hand of innovation upon that?" Nobody, if it could be shown to be wisdom still. But there is a dotage of deeds as well as of doers; and if you will but keep wisdom long enough, it is sure to turn folly at last. In their own habits, our ancestors were quite a different people. There were but two classes of them—tyrants and slaves: the former in a continual state of tumult and rebellion, and the latter, as all slaves are, in a state of the most abject ignorance and degradation. The municipal wisdom of Turks or Cherokees would probably, therefore, answer just as well for the people of England at the present day as the wisdom of "their ancestors." Politically speaking, they have handed down to us only one thing that is very wise, and that is the continual power of renovation, which is vested in the three great powers that have the keeping and working of the constitution. Thus the common cry about the wisdom of our ancestors, which is raised whenever any old abuse is attempted to be corrected, is really as false to our ancestors as it is to us. It is degrading the name of their real wisdom, by applying it to their folly. Their wisdom provided us with a constitution by means of which the laws were, and should be, made always equally applicable to



the existing state of the people; and yet we, in violation of that constitution, insist upon venerating institutions and usages which the country has outgrown, and which ought to have ceased with the times to which they were suited.

To take an instance which is, considered in itself, merely a piece of verbal nonsense: the wisdom of our ancestors never could have intended that the mere fact of a man's being owing a few pounds to another as a civil debt, and on account of his inability to pay which he had been humbling himself to his creditor in all sorts of ways, and begging for a little longer time in the most suppliant manner, should be declared, or sworn to, as a most daring breach of the public peace, committed by a bandit gang, armed in the most formidable manner. Such, however, is the case; and an Englishman may be in contempt of court, or have judgment passed against him in absence, merely for despising that which is in reality a vile and unfounded calumny, which any honest man could not but despise, even though he should have the misfortune to be owing a few pounds that he could not pay. This absurdity is not a solitary one: it is one of thousands: all of which are equally unmeaning and repugnant to the ordinary understandings of men. Yet these fooleries are all venerated to such an ex-

tent, that the blotting out of one line of the grossest nonsense would be accounted an inroad upon the constitution.

And whence this fondness for senseless and unmeaning forms among a people who are so capable of appreciating the value of substances? The adoration, my Lord, is not directed to the mere words: the form is what the schoolmen were wont to call a substantial form; and there is not one of those senseless words that does not put into somebody's pocket a portion of the earnings of the people, which, without that form, he could not obtain, if he did not himself perform a part of the labour. These useless forms occasion a vast number of offices, which, though worse than useless to the public, because they impede business and consume funds, in return for which they do nothing but harm, are yet very pleasant to the parties that hold them and fatten upon the emoluments. It is the nature of such an office to degrade the holder in a mental and moral point of view. If you would have an office filled by an honourable man, let the glory of it always overtop the gain—let the man have the proud feeling that he is the obliger and not the obliged, that he pays back to his country in service all that he receives in pay, with as much more in addition as entitles him to respect

and gratitude. Why is it that we rate the character and honour of a military officer so high, but that his pay is so immeasurably small in proportion to the labour and peril that he undergoes, compared with that of some nameless feeder upon the wisdom of our ancestors at home? If your Lordship could only lop off those pensioners upon the "wisdom" and let the labour and reward of every one who serves the public be open, as they are in the army and the navy, the victory for the country would be half won.

Your Lordship could do it. We have not forgotten what you effected in the Ordnance when that was under your management; and you had no inducement to do that further than a desire to promote the public good. It was all done in the most quiet way too, without any parade or display to spur you on, or any apprehension on the part of the people (for they did not know you so well then as they do now), of what you were doing. Yet, in the course of three years a saving of nearly one million sterling was effected in that single department, and its effective strength—its real value to the country, was greater than at the beginning. In the Treasury, too, your Lordship had a sort of Augean stable to deal with. Principals doing nothing, and deputies not very much more. But the hint about

“the work that could be done by pay-serjeants;” put them all into activity.

I do not put your Lordship in mind of these things for the purpose of being complimentary. As a soldier that had been so much in the field, one would have concluded, and there would have been truth in the conclusion, that you were far from the person likely to be best acquainted with the details of office. But you knew when men did their duty, and you came into your office without the usual means, and the usual preparations. You were ignorant of what, to give it the most gentle name that I can, I may call the indolence of office. Now, you have the opportunity of giving a similar rousing to office all over the country, which, though only a part, is an important part of what the country wants.

Thus, my Lord, the path toward that which alone can cure the distress of the country, which can cure it effectually, and which will make the cure of all future distress comparatively easy, is a plain and straight path. You have only to lop off the antiquated, and rouse the idle, till every institution agree with the times, and all men, in office and out of office, work equally for that which they receive. Before you could accomplish that there would be great deal of clamour ;

but a victory is never gained without noise ; and in this work every howl that you awakened would be the death-knell of a public evil.

This is the only substantial reform, and would do more good in one year than all the panaceas which have been proposed for the last century. A great deal of stress has been laid upon an alteration in the representation of the people in the Commons' House of Parliament ; but I am inclined to think that that has been greatly over-rated. What we want is not something that is fine in theory, but something that shall work well in practice. We do not want a system that will round a speech ; but one which, while it gives the people the greatest freedom in their industry, and the most complete protection from all manner of violence and injustice, shall have all the public offices and institutions upon the very best system—the persons in the useful ones well paid and worth it, and those that are useless abolished. The grand object to be aimed at is, that every person in the country, official and non-official, shall be occupied in the way in which his talents are calculated for being made useful to the country ; and that the honest and public use of them shall hold out to him a fair and reasonable prospect of not falling from his rank

in society in the evening of his days, when his activity fails, and his place in active life comes to be filled by those who are more able to bear the labour of it.

Now, I set not much value on any change that could be made in the manner of returning the members to the House of Commons. We are to judge of men, not so much from the way in which they are sent to any office, as from that in which they conduct themselves when they are in it : and as for what is called purity of election, I fear it is much the same in all cases ; and there is as much bribery and influence, and as many members of an inferior caste, from large numbers of electors as from small. The sure way of correcting the evils is to take away the temptations themselves—to root unfair influence out of the country altogether, by making a correspondence between the labour done and the reward given ; and then honest pride—the pride of doing his duty better than his neighbours, would be the only means by which any one would win distinction.

But the proper party to set about that is the administration ; and the easy work that your Lordship had with the Catholic bill, notwithstanding that it was one of the stock subjects of violent clamour, is a proof, that a British minister who set about it in good earnest, could do any

ever so much as dreamed of a shower of spontaneous mail-coaches. These physical changes men made for themselves, in virtue of preceding intellectual and moral changes; and when political ones become necessary, as they must do every year in a country that is advancing, the obligation to make them is to the full as strong; because, if they be not made, the country becomes disjointed and divided. The same increase of mental acuteness, which enables the people to contrive these things, enables them to see the parts of the state machine that are out of date; and if these be not removed, there is no possibility of keeping up the respect of the people for the state. There are only two systems with governors—either they must work by esteem, or they must work by terror; and the times for that in this country, have, it is to be hoped, gone by: *that* system would not augment, or long keep up the revenue—the real strength of a modern state. If the matters that had fallen behind had been carefully brought up, a great deal of the party animosity by which this country has been perplexed would have been saved; and both the rulers and the ruled would have been in a better condition.

The grand cause why so much clamour, and clamour which the parties making it knew per-

fectly well to be unfounded, was made against the measure alluded to, was, that that measure was an outwork, and covered the body of the place. Your Lordship could not come at the substantial evils that affect the real condition and comforts of the people, until you had carried that. They were perfectly aware that when that ravelin, or hornwork, or whatever else it may deserve to be called, was demolished, the people would soon call for the storming of the rest, which would be at the very first discharge; and your Lordship hears the demonstrations that are making, not by the uninformed multitude, not by the hearers of spouting peripatetics, who go over the country howling for their bread, but by men of rank and wealth—by honourables and right honourables. That may be accounted the beginning of a good deal on the part of the country; and the sooner that your Lordship begins the better. The times are so ripening for it, that, ere long, it must be attempted; and it is not easy to calculate upon another under whom it will be so safe and simple as under your Lordship.

“What is to be done?”—No treason, my Lord; no sedition, no injustice; but something that will comfort the people, and consolidate the power of the state. The precise acts I have not the pre-



sumption to name; nor do I think that at this moment any body is sufficiently informed of the facts to say what should be done. But we know one thing—we know the quarters in which to look for them, and we have, in the spirit of the age, a standard whereby to say whether what we may discourse requires to be changed to an accordance with that spirit or not. The “spirit of the age” is rather a vague expression; but we can easily render it more precise, by taking the suspected parts of our institutions (and, in such a case, the safest way is to suspect the greatest part of them—at least, of the old ones), and try them by these two questions: “Does this institution, or office, or whatever it may be, do any harm? Does it prevent any good?” If the reply to both these questions be “No,” then that part of the matter remains as it is with honour; but if the answer to both questions, or to either of them, be “Yes,” then cut away, in proportion to the evil to be averted, or the good to be done, with as much tenderness as possible to the parties that may be affected; but without swerving one jot from the straight line of the principle—the greatest good of the whole.

## CHAPTER IV.

## THE CHURCH.

WOE would have been to the man in this world, my Lord, and many threats of it to him in the next, who had dared only a few years ago to put that name in the list of subjects for political inquiry, and even possible change; and I have no doubt that when your Lordship, or whoever other shall, under circumstances more urgent than those that exist at present, come to deal with it in earnest, there will be a plenitude of sounding words; but they will have the same effect that other thunder has, my Lord; they will clear the atmosphere, and we shall have better weather afterwards. The time must come, however, when the legislature will be obliged to inquire whether the Church, as it now exists in this country, be precisely the kind of establishment that is best fitted to the times; and this

inquiry must be made as much out of respect and regard for the Church itself, as from any other cause.

And really, when we look at the matter, there does not appear to be any thing that takes the Church as a temporal hierarchy—the only view in which it can come before the legislature—out of the common catalogue of public institutions. The age for political creed-making has fortunately gone by, and nobody wishes again to see king or statesman interfere with the doctrines of religion. These rest upon foundations too high and too holy for man to tamper with them; and, therefore, the more that their eternal and unalterable purity and truth are kept free from the mutable affairs of man, which should and must change with the changes of his condition, the better. This is a distinction, my Lord, which we should continually and carefully keep in mind, because there are not wanting those that try to conceal it, and so blend the spiritual part of the matter with the temporal, that the whole becomes confused.

To confound these two distinct subjects, has been the uniform practice with men in the ignorant and barbarous states of society. The savage makes a god of every thing splendid or wonderful: the civilized man studies its nature and

uses. The one falls down and adores the sun : the other takes his instruments, measures the distance, and computes the weight of the luminary, and finds out its influence in producing the phenomena of the earth's surface. These are extreme cases ; but between them there lie innumerable degrees and shades which always have more and more of idolatry in them, as they approximate the state of the savage. The practice and external form of a religion, even of divine origin, like Christianity, is not exempted from this variation in the minds and propensities of man in different states ; for in proportion as the people are ignorant, they must blend their own superstitions with it. Without a miracle worked in the case of every individual, and the supposition of that would be as great superstition as the most ignorant can have, it is not possible that the apprehensions of ignorant men can be more acute and free from error upon religion than upon any other subject. I need not here fatigue your Lordship, with going over the history of Christianity, and showing that its influence has been benignant or baneful, according as the people among whom it has been established have been well informed or ignorant ; for in the course of your professional career, your Lordship must have had many painful instances

of the mummery which, among an ignorant people, is passed off for the Christian religion, and the mischievous effects that it has both upon the morals and the temporal prosperity of the people. That your Lordship, after having seen the mischievous effects of a particular name or form of the Christian religion upon a people in a state of ignorance, should have been the champion of the same name and form of it among a people who are instructed, is a practical proof that your Lordship is above that silly, but too common error, which considers a name as every where, and at all times, of the same import. Your Lordship saw that Catholicism in Spain, and Catholicism in this kingdom, were just as different as Church-of-Englandism in a man to whose virtues the public erect a monument, and one who is executed for parricide. That, in short, the worshippers are the Church, and the goodness or badness of the Church depends wholly upon them; and that the power under which it exists, or under which it may be most conducive to the public good, is a question that comes as properly within the consideration of the legislature as any other that can be named—perhaps, indeed, more than any other, inasmuch as clergymen, from their numbers, their connexion as a body, the peculiar influence that they pos-

ness, and if (which we are bound to suppose) they devote the whole of their time to spiritual studies, their ignorance of the progress and working of the temporal world, are, of all men, in the greatest danger of taking erroneous views of the importance of their own institution. Churches, like all other institutions, are valuable only for, or in proportion to, the good that they do : and though there be no necessity for going the length of saying that any Christian Church has ever positively and absolutely done evil, yet they have differed so much in the degree and quantity of good, that the examining and watching of them becomes as much the duty of a government, whose object is the general good of those under it, as the examining and watching of any thing else.

This is no idle theory, my Lord, no recommending of wanton innovation, no wish to attack religion, and no attempt to undermine the church: it is a plain and practical deduction from past history ; and the Church of England herself is the proof of it. How came we by that Church ? The rulers of England at that time, thought the Catholic church not the form best adapted for their policy, and they altered it. How came we by the Catholic church ? The people of an earlier age liked it better than the worship of

Wodin, Thor, and Freya. So that it has been the practice of the state in all ages to model the church to that form which it reckoned the most agreeable ; and I can see no reason why the proceedings should stop at the year 1533 any more than that it should have stopped at any period before then.

When the Church of England was established in its present form, the condition of the country was probably more different from what it is now than from what it had been at the expulsion of Wodin ; and though the record be not very clear in the early days, I have no doubt that the priests of all those churches maintained, with the same obstinacy, that their church was the right and only true one, until they found the power of the state against them ; and then they would take up the new practice, and even the new faith, if that was necessary, with the best grace they could. How could it be otherwise ? The mere church establishment is not any part of religion, it is wholly dependant upon the country ; and therefore, like the courts of law, or the army, or any other department of the public service, it should be made what is most for the advantage of the country.

Now, in the sixteenth century, England was so very different from what it is in the nineteenth,

that it is not possible that a form of church made at the one time can best suit the other. In the first place, the first notion was a church that should delegate to the King of England the spiritual power—temporal tyranny—which had been exercised by the bishop of Rome—make him a sort of Caliph, or an imitation of Fum Fo, the cousin of the sun, in China. That would not do for the present day—the monarch of this mighty nation is above the intrigues of priestcraft. In the second place, the great body of the people of England were very ignorant at the time when the Church of England was planned; being ignorant, they had the superstition and the idolatry of ignorance; and therefore it became necessary to give them some substantial forms to adore. The intellectual part of religion, or rather, I should say, my Lord, the “religious part” of the church was above their comprehension; and it became necessary to give them something else that they could worship. Wealth and splendour are idols of all ignorant men’s worship; and therefore the natural, and under the circumstances perhaps the best plan, was to endow the church as largely as possible with these. In the third place, the people, at that time were accounted of so little consequence, that they were not much taken into the account in any process



of legislation—that was chiefly for the monarch and his favourites, or for the church, unless when the barons came sword in hand to claim a share.

Now, comparing those circumstances with the present state of the country, or with the state of it at any time these hundred years, it is pretty evident that no institution, project, or enactment of the one period, if it suited that period at all, could apply properly to the other. The church must either have been a great anomaly in the time of the tyrannical Henry, his blustering lords, and illiterate people, without arts and without property, or it must be an anomaly at present; and it is almost superfluous to add, that it must have been best adapted to the times in which it was made.

Then, my Lord, I think you must agree with me, that there are at least sufficient grounds for an inquiry into whether the church be what it ought to be or not. There are even as strong presumptions as can be met with in such a case, that it is not what it ought to be; but as inquiry should precede change, there is no need for pressing those upon your Lordship's consideration at present—when you look at the matter, you will, I have no doubt, find them all conspicuous enough. If any objection is attempted to be made, appeal to the Reformation, appeal to the Church of England herself, and if she denies or

resists the power to which her own existence is owing, place the triple crown on the head of the Lord Primate, declare the church infallible, and the arbiter of all civil power from the throne downwards : and, trust me, we shall very speedily, very easily, and altogether bloodlessly, play the Reformation over again ; and find a church as true to Christianity as any that has hitherto existed, and at the same time, a good deal better adapted to the present state of the country. But there is no fear that it will come to that, they know upon whose power they depend ; and so you have only to name what you wish to accomplish, and show that it will be for the public good, and they will help you to accomplish it.

The chief causes which made the former reformation an arduous matter have ceased to operate. The church that then required to be altered was established over the greater part of Europe ; had a temporal potentate at its head, who claimed dominion over all earthly kings, and could raise large revenues in every country for almost any purpose he pleased ; could make money even of a licence to poison or cut throats ; and, in consequence of their celibacy, the clergy were completely detached from the people. But whatever may be the strength of the *esprit du corps* amongst the clergy of the Church of England, it

has no *point d'appui* out of the country ; and it is, compared with that of their predecessors, only half a principle. They are linked to society as men—must feel for their families and connexions like other people ; and, therefore, they have an interest in bringing the establishment into an accordance with the spirit of the times, which is, or should be, fully as strong as that which might turn them the other way.

There are other, and probably more powerful, auxiliary circumstances : the people themselves will not long tolerate any discrepancy on the part of the church establishment ; they will discuss it, and if they find any thing wrong, they will expose it. The printing presses, my Lord—those combinations of wheels, and cylinders, and levers, that produce a thousand books in an hour, and set ten millions of people a reading some part of every day—truly they are formidable things ; more formidable than those armies that your Lordship once commanded ; for they regulated the motions even of them. If you attempt any thing that is really good, they will clear the way for you ; and not the church of Rome itself, in the very zenith of its power, if that zenith could have by possibility been compatible with such means of information, and the information which they produced, could have resisted them.

Thus, there are many reasons why the church establishment should be examined as an institution that may, in some way or other, retard the prosperity of the country : there are sufficient inducements to make the inquiry ; and there is the certainty that any improvement that that inquiry may suggest may be very easily carried into effect. It therefore only remains to make the inquiry.

But into what should the inquiry be made ? Into many things : there is the general question of cost and utility, a question that applies to every thing ; and there is a number of minor ones. Upon any of these it is not my intention to express an opinion as to what should be done, because that is an after consideration ; but I may venture to mention one or two things that should be examined.

First, there is what I have called the general question—" Is the Church of England really worth what it costs the people of England ?" Does it contribute as much to their improvement and happiness as the same sum spent in any other way would ? We cannot attribute much of the intellectual improvement of the people to the church, because we had plenty of church when we had little or no intellectual improvement. Of the people a full half probably are dissenters of some description or other, who

derive no sort of return at all for what they give to the church ; and of those who are not dissenters, there are very many who never or very seldom attend the church, and therefore derive little or no advantage from it. I am not defending these practices, my Lord ; I am not saying that people should dissent, or that they should leave off church-going. Both may be, and probably are, very wicked ; but I have nothing to do with that ; I must confine myself to the facts. This is a land of liberty ; and, right or wrong upon any theoretic principle, I should be very sorry to see any law passed, the tendency of which was to prevent people either from dissenting or from staying away from church, as long as by so doing they did not injure the peace, the morals, or the prosperity of the country. But still there arise some inferences that would demand a little consideration. If so many people, and those well-informed and well behaved people, dissent from the church, or discontinue their attendance there, there is really no getting rid of the conclusion that the church has, in some way or other, lost its attractions, and therefore its value in the eyes of this large portion of the people. I do not say that this is right ; the fault may be in the people, and not in the church ; but still in losing its attractiveness, the church loses the power of being

useful to all those whom it ceases to attract; and, therefore, to the full extent of the good that it might have done to that number had they remained in its connexion or in attendance on it, its real practical value has fallen off. It is not necessary to say that this has been the result of any deterioration on the part of the church, or that it is a proof of wisdom or of folly on the part of the people. It is only a fact; but it is a fact, in virtue of which, if the whole people were to dissent from, or leave off attending the church, the result would be, that however much the matter might be lamented, the church would have become quite useless in a national point of view; and whatever portion of the wealth or produce of the nation might be expended upon it would, however well merited it might be on the part of the church, be on that of the people a total loss; and the legislature would be called upon, in the discharge of their duty to the people, to put an end to it.

It is often argued that the people might go there if they chose; but we have to deal with the fact, and not with the fancy; and in as far as value obtained for money is concerned, the argument is unanswerable. It is true that the Church of England is the King's church; but so is a certain tradesman the King's tailor; and

if people are, as by the laws of this country they ought to be, allowed to follow their own opinions in every thing that does not tend to injure the state, or their neighbours, by injustice, a man's opinion is as free in the matter of religion as in that of his coat; and there ought to be no more power of compelling him to go to the King's church for the one, than there is for compelling him to go to the King's tailor for the other. Yet there would be a pretty tumult if the King's tailor were to send in his bill for the amount for every man's coat in the kingdom, and were backed by a power that could enforce payment. If that practice had come down to us from the time of Henry the Eighth, as part of the "wisdom of our ancestors," it is very probable that it would have had defenders, and that any attempt to put an end to it would have been denounced as a horrible inroad upon the constitution; but if the man who at the present day has the honour of clothing our most gracious Sovereign were to attempt it, he would not find a single supporter.

It may be an erroneous view of a church, my Lord, to estimate its value by the practical good it does, and I do not deny that it may; for I am merely throwing out preliminary hints and not giving ultimate opinions. But it is a view of

the matter which those who dissent from the Established Church, and those who desist from attending it are very apt to take, every time that they put their hands into their pockets in order to pay any thing for it; and as the numerical tale of those who do derive advantage from the Church is, according to the accounts, gradually becoming less and less every day in proportion to the whole population of the country, it would take a very acute logician, my Lord, to establish the plea in equity for an increase in the church revenue; that revenue is actually on the increase, and that very rapidly, and therefore it demands inquiry.

It avails nothing to say that this, or any other interest that any person may have in any thing else in the country, is "vested," and that, therefore, the legislature dares not interfere with it. No investment can be more personal and sacred than that which I have in my ten fingers, yet the legislature does not hesitate to call upon me to give up a portion of the proceeds of them for the benefit of the public, and when I can perceive that my share is fairly apportioned, and that the proceeds are properly laid out, I give it cheerfully. The whole of the active part of the people do this; and while they continue to do so it will be very difficult to convince them that any



thing can give to a church dignitary an invulnerable right in one hundred thousand pounds a-year.

In so far as the mere cost of a church is concerned, the reformation to the people of England has been rather the wrong way. The celibacy of the old ecclesiastics had some advantages; they had no families to provide for, and therefore they built and adorned the churches, and supported the poor, while, under the present system, all these things fall as an additional weight upon the people. If the tithes and pew-rents paid the whole, the present generation would have less cause to complain; because most, indeed all of them, have got their lands burdened with the tithes, and, therefore, as compared with land that is tithe-free, they have got them correspondingly cheaper. The pew-rents again, as they are paid by those who choose to occupy the pews, are a sort of voluntary payment. But when, in addition to these things, people are called upon to pay all costs and repairs of churches, and to pay for the building and keeping in repair of new ones, in places where the old ones were never wholly filled, and seldom half, this is a pretty strong additional reason for inquiry. Indeed, my Lord (before we quit this matter of the costs and returns of the church), I really do not know

any thing that you can get a clergyman of the church to do, except, perhaps, dine with you, without a fee being demanded for it. He will not baptise, he will not marry, he will not bury, he will not do any of those things which it is accounted decent for a clergyman to do, and for the doing of which one would suppose all the other sums are pay, and abundant pay, without getting a specific fee. Nay, when all that has been done—when you have paid generally for what you do not want, and particularly for what you do want, there is a little bit of begging after all—round goes the bag at Easter; and though the rector of the parish be the Lord Primate himself, every house-holder is expected to drop in his groat, whether he be churchman or not.

Now, my Lord, as I have said all along, all these things may be very right—may be the direct and proper means of inspiring the people with a veneration for the Church, and thereby extending its usefulness; but you cannot expect that those who are dissenters, or those who do not attend the church (and, as I have said, the number of both is increasing), will be of that opinion, unless they shall be satisfied of the truth, by an inquiry. If the merely mercantile opinion of men, and those who feel not the moral and spiritual benefits of the Church of England, by

attending it, will not very readily have another opinion, they will be accounted as leaning a little toward the love of carnal things ; and that is the rock upon which all established churches, that have hitherto suffered that calamity, have been shipwrecked—it is not the most pleasant one for the Church of England. This alone is an abundant reason for inquiry ; and the inquiry properly made, if there were found nothing more for it to do, would, of its own accord, most effectually, and without any subsequent trouble, do that.

Secondly—The tithes are a very proper subject for inquiry ; not so much on account of the absolute amount, as of the system altogether. I do not wish to dip into the ecclesiastical history of the matter, because I do not think that the manner or amount of the sums paid to clergymen has any thing whatever to do with the Christian religion. It is at all times a merely civil matter, and the authority of the fathers, or the councils, or any thing else, except the best way of doing it for the time, is really not of the smallest weight. The Divine authority which gave the religion, gave no form of government along with it ; but always strictly enjoined an obedience to the civil power. How the Church of England came by the tithes, is, therefore, not an element in the case of how the people are to get rid

of them, any more than the amount of public revenue in the year 1600 is a limit which that revenue ought never to exceed.

But the question of tithes is not one of the amount of emolument that would naturally be disposed of under what I have set down as the first branch of the inquiry ; and it may be possible, though it would certainly be a little contrary to popular expectation, that the labours of the clergy are worth a great deal more than they are paid. The system of tithes is one of manner, and not of amount ; and the objections to it are more direct than they would be if it applied to the reward of that of which the value could not very well be estimated. Payment by tithes is payment in kind, a species of payment which belongs only to very rude states of society ; and it is inconsistent with more advanced ones, as having pernicious effects both upon the receiver and those from whom he receives.

One effect of tithes is to lower the respectability of the clergyman in the eyes of the parish—to make him a sort of gauger of the industry of the people, and a spy upon their domestic proceedings. It is really too bad—too mortifying to the honest dignity of learning, and the reverend character of a divine, that a high graduate of Oxford, one who has had the honour of preaching before the

king, or at least before a royal duke or duchess, and who, in virtue of the favour then and thereby received, looks forward to a mitre, and the high privilege of sitting and voting spiritually in the House of Lords; it is really degrading, I say, to such a man, to be obliged to go groping about the villages and hamlets, to ascertain what poor man's sow is in farrow, in order that he may not be cheated of a sucking pig. A man, even of moderately high feeling, would lose a dozen of pigs rather than do it, and accordingly he lets it alone fifty times during his incumbency, and is *minus* the same tale of pigs, as a matter of course.

There are only a few ways in which he can manage; he can collect himself; he can employ a bailiff; he can bargain with the people; or he can let the whole.

If he do it himself, his living is in the inverse ratio of his manners; and the churl waxes rich while the indulgent man starves. Rich or poor, the one drives away, heedless of the lamentations, and even the curses of his parish; while, as the heart of the other is kept in a state of so constant laceration by the real, or pretended sufferings of the people (it is policy to seem poor at tithing time), that both his purse and his feelings suffer. The one, therefore, disgusts the

people at churchmen, and the transition thence to dislike of the church, and again (among very ignorant people), of religion itself, is but too easy. The other gets disgusted at an office which dooms him to that which is so contrary to his nature. Thus, whatever may be the temper and disposition of the parson, the collecting of his tithes is always sure to do an injury to the church, if not to religion. Nor is what I have stated the whole of the evil; the pigs and the sheaves of pease are not the only things that the clergyman wants. He must have coats and breeches for himself, and petticoats for his lady; and the tailor and sempstress do not pay in kind. He must have these, and he must have an almanac, and see a newspaper, in order that he may turn his course to the weather; and, furthermore, he must, at all events, have a set of *Conciones Selectæ* once in the three years. Now, though the almanac and the newspaper be pretty smartly taxed, neither of them is tithed, nor are the *Conciones*. Even these things, limited as the catalogue is, cannot be got in tithes, or immediately in exchange for ordinary tithe commodities. Therefore the clergyman must turn a sort of merchant, which again degrades the dignity of his character, and tends either to lower the tone of his mind, or to make him dislike his office.

And, my Lord, I have no doubt that very many of those unclerical practices, of which we are reluctantly forced to hear, among the members of the church establishment, are the fruits of the tithing system, so dangerous is contact with the world, in a mercantile way, to men of a profession in which there should be nothing worldly.

But I do not see that the case is much improved, though a bailiff should be employed to collect the tithes, and sell whatever portion of them may be necessary. Such a bailiff has but an unpleasant office. He is sure not to meet with the same attention as the clergyman himself, and he has a chance of not bearing himself in so mild a manner. The probability, therefore, is, that he may bully in some instances, and take bribes in others ; and by such a mode of arrangement, the clergyman may both incur the odium that falls to the share of a harsh man, and suffer the diminution of income that must be borne by a mild one.

If, again, the clergyman shall bargain with his people, he becomes more of a higgler than when he only sells part of his collection ; and he must either submit to take a very low rate, or wrangle with all the tithable parties in the parish in turn.

And if he let his tithes to a middle man, he is probably worse. That man will, of course,

take into consideration all the annoyance and trouble of collecting, and, of course, not strike any bargain but what he knows will be a good one. Therefore, the amount to the clergyman will be a minimum. Such, however, it will assuredly not be to the parish. The lessee of the tithes takes the disagreeable office, only in the hope of a profit ; and therefore he will stretch the law (a reasonably elastic substance in any official hands) to the utmost extent that it will bear. Thus the tithing is really the method by which the clergyman is likely to receive the least from his living, and, at the same time, give the greatest offence to his people.

Thus, in all cases, except those in which the private fortune and disposition of the clergyman are such as to enable and dispose him to take whatever the people please to give, and those cases are an injury to the clergymen that are not thus wealthy, the collection of tithes in whatever way they may be collected, can hardly fail in causing some sort of misunderstanding between the parson and the parishioners, and exciting on the part of the latter a dislike of the church ; and if the facts could be collected, there is every probability that in this we might find, if not one of the most fertile, at least a very fertile source of dissent from the established church. Nor is the



case better when the tithes are in the hands of a lay impropriator, because that has a tendency to show that tithes have no necessary connexion with the church, but that some means less annoying to the people might be resorted to for the payment of the clergy.

There is one other effect of the system that deserves notice, because it tends not to mere annoyance and ill-humour, like those that have been mentioned, but to direct and positive demoralization. A tithe is like a government duty in this, that the party paying it does not receive a tangible value in return, and is not always disposed, and sometimes not able, to appreciate the indirect one. A man who would not defraud those with whom he buys and sells, to the amount of a single farthing, has no such compunction when he deals in articles that are smuggled, and thereby defrauds the revenue. As long as the sale of French and Indian silks was prohibited, there were probably few dealers in silk who had not smuggled goods occasionally in their shops—at least, if one wanted an article of that kind, it was always possible to find it in any considerable town or village. Defrauding the parson in his tithes, is a very similar case to defrauding the revenue by smuggling, and there is no question that it is done to a very considerable amount.

But though the dishonesty may not be quite so apparent to the bulk of ordinary people, the moral crime is just as great as that of any other fraud; and as there are great facilities for the offence, and also a weaker restraint from it in the ordinary moral feelings of men, it becomes one of a much more dangerous nature. Indeed, though the ingenuity of a tolerably acute schemer had been set to work to find out a means by which the honesty of the people could be blunted, he could with difficulty have hit upon a more effective one than this same temptation to smuggle in the matter of tithes. So much, my Lord, for the moral effects of the manner in which it placed the wisdom of our ancestors to direct that the clergy of the Church of England should be supported.

But there is another portion of this branch of the subject which would well merit your Lordship's most careful inquiry; and that is, whether the system of tithes may not operate as a real and positive hindrance to the improvement of the country—whether it may not be the means of keeping out of employment a number of people who would otherwise be employed, and besides supporting themselves, add something every year to the wealth of the country; but who, on account of that very hindrance, are a burden instead of a benefit.

That is a grave consideration, my Lord, for notwithstanding all the mechanical improvements that have been introduced, the human hand is still the most valuable machine, as well as the most costly to prepare ; and therefore, every principle of sound policy demands that all the hands in the country which are capable of work should be employed. I am no advocate, my Lord, for the employment of the people by the public in any other way than in the construction of public works, which the public only can undertake ; because the designs of that in which they may be so employed are never so skilfully laid as those that private individuals form for their own advantage, because there is always waste in the carrying on and superintending of such work, and because, when it is concluded, those who were engaged in it are left to relapse into their previous state. This is the case in all public employment of labourers for the mere purpose of keeping them from being idle, and it differs not much whether the employers be the state, the quorum of a county, or the officers of a parish. The grand objection lies, not to the particular denomination of persons by whom the employment is given, it lies to the system—to the employing of labourers by those who have not a personal interest in the productiveness of their labour. Such an interest

is absolutely necessary in order to secure the proper utility, and indeed to make the labour useful at all; and, indeed, I have never been able to discover that pauper labour, even when conducted in the most skilful manner, was very much better than a farce—good for those who patronised it to speak about, but good for nothing else.

But, my Lord, though it would be far from a wise measure in the government to undertake to find employment for the people, it is one of the most sacred obligations under which they lie, to remove every thing that prevents the people from being employed; and that, my Lord, will be found, in the majority of cases, if not always, to resolve itself into something that cramps or restrains those by whom labourers would be employed. The evils that arise from causes of this kind are very many. They are pauperism: they break down the tone of the character; and they lead to crime. Whence comes it, my Lord, that the character of a peasant is so much more elevated and independent in Scotland than in England? The usual way is to get rid of the matter by saying it is “the national character.” Granting that it were, why should it be so? Why should the people of the worst land have the best national character? But it is not the national

character: the people of the middle and higher ranks in England are superior to those of the same in Scotland; as any body may see in their conduct, or in the productions of their talents. The labourers are, however, very inferior; they are so chiefly in independence of character; and therefore these must be degrading causes. The poor rates have generally been referred to, and the superior system of education among the Scots. These have their influence, though the poor rates be, in the first instance, an effect and not a cause—in England they were the effect of the demolition of the Catholic charity-houses, and the dismissal of the retainers of the barons; but when your Lordship inquires into this part of the subject, probably you will find that the tithes have, in country places, where the evil is most glaring and inveterate, been a chief cause in continuing and extending that evil.

The general principle proves as much: people look not so much to that which is left as to that which is taken from them, because it is the latter only that irritates. That a farmer shall have to give up the tithe of his crop, operates much more powerfully, therefore, in making him regardless in increasing the amount, than one would at first suppose. Why should he drain and manure, and cultivate to the utmost, when the person who con-

tributes not a farthing to the expense, comes in and takes the whole of the profit; for one-tenth is more than the ordinary profit of farming, even where there is no tithes. Compare the agricultural parts of Middlesex with those of Mid Lothian; and what a contrast in the farmers, the farm-houses, the servants, the cattle, the implements, the fields, the produce. Going northward, the superiority is so great that you would fancy you had been a hundred years on the road. And yet, my Lord, with the single exception of tithes, every thing is in favour of Middlesex. The climate is better, the soil is naturally better, the roads are not so billy; there is an inexhaustible supply of manure, there is water carriage, and there is the best market in the world; but the farms are slovenly, the farmers are clowns, the labourers are in misery and rags, and the rent to the proprietor is less. In proportion to the population too there are ten persons in Middlesex getting parochial relief, for every one that is getting it in Mid Lothian.

But it may be said that "Middlesex is not the best part of England; that Essex or Norfolk is better;" well, I answer that neither is Mid Lothian the best part of Scotland; Haddingtonshire and the Carse of Gowrie are better. I have taken these two counties, not on account of their

superiority, but of their similarity to each other ; and because, as both the best and the worst of the people, the ambitious and the idle, throng to a metropolis, there is a metropolis in each of them. To any one that has examined them, the contrast is decisive of the question ; and other than the tithes, there is no cause of inferiority on the part of England, for all other circumstances are in its favour.

The slovenly state of the lands under crop is not, however, the only evil of the system. A great deal of it is left uncropped. Look at the clumsy inclosures ; half an acre of fence to an acre of field is about the average in most places. Then the green lanes and corners, swarming with vagrants, and the commons and wastes. In the midland counties of England there is more waste land than would, if properly cultivated, support the whole of the poor ; and there are as many able bodied paupers out of employment as would soon bring it into cultivation.

“ Then why are they not set to work ? ” I can see no reason but the system of tithes, unless it be that the people are mad. Foolish as are many pages of the statute book, I am not aware of any direct act against an improved and extended mode of cultivating the fields ; neither do I know of any indirect one, except this same system of

tithes. It is not the amount of tithes that is the great evil; it is the way in which they operate. Improvement is a matter of feeling, and there is no bringing that within the rules of mere arithmetic. The little sore that festers upon a man's finger makes him forget the sound skin upon all the rest of his body; and just in like manner it is the sore in his affairs which galls and irritates him, and occupies his attention. A fixed payment—rent to the owner of the land, for instance, has not the same mischievous effect. The farmer knows what that is; and he knows that, instead of increasing with his exertions, it will, the more that he exerts himself, become the smaller fraction of the returns. He puts it aside, therefore, as a fixed quantity, and works the remainder to the utmost. I have known instances in which a moderate addition to the rent of lands taken upon lease (a nineteen years' one) instead of being a burden, has acted so far as a stimulus, as to double the produce of a district in a few years; to change it, from being barely able to support itself, to an exporting district, and an exporting one to a considerable amount, while the people built new houses, were better clothed and fed, and increased in numbers.

No doubt there was a corresponding increase of activity and labour, my Lord; but that is just



what is wanted in England. There was draining, and trenching, and breaking up moors, and grubbing of corners, and turning up and loosening of the earth. Before, the labour had been in a great measure seasonal, as is too much the case with the pauper, or demi-pauper labourers in Middlesex. In winter, the people sat over the embers, and enjoyed the stimulus of pyroligneous acid and carbonate of potass, in a dense medium of turf smoke. And why? Because the little rent that they did pay, was paid chiefly in labour and in kind. But when the value paid was quadrupled (and it was fully that), and paid in money, the operation was like magic. Four starved jades, with probably a cow or two in supplement, used to crawl along with a plough tied together with strings; their collars were straw, or the refuse of flax; and the rest of the harness—"anything that could be got." One man pushed at the plough-tail, another pulled at the head of the horses, one or two more had to be in the field, to assist in lifting the brutes, in case they should upset one another; and there was hawling, and shouting, and creaking, that would have out-noised a French diligence or a Spanish waggon. The system was the same all over; the cows had to be lifted in the hovels; the cattle had been so starved during the winter that they had to be

lifted when they first went out in the spring ; and even in the heat of summer, they had to be lifted out of the quagmires with which the pastures abounded. Those quagmires were, indeed, one of the greatest curses of the place. They covered the earth with moss, and made any scrubby tree that could exist bearded like a goat with lichen ; they spread blight and mildew at one time, and produced such cold by their evaporation at another, that the very soil was consumed off the earth ; and they caused the health of the people to alternate between ague and catarrh. But the people never thought of draining them till their labour and their produce were made all their own, and they had only to pay a stipulated rent.

Then came the change, however ; and your Lordship would have been delighted with it. It was a Waterloo, in its way ; and the commander-in-chief had, like your Lordship, seen service. The people were up with the lark, they were delving and ditching away, the quagmires were gone, and the very next year their places were filled by luxuriant crops. Few coughed in winter, nobody had the ague in the spring ; straw was so abundant, that the farm-yard was littered every day ; no beast required to be lifted in the fields, for they had become so fat and frisky with the

winter's food and rest, that folks had to keep out of their way. Every one, in short, had plenty ; and there was plenty sold to pay the rent, and leave a surplus. That surplus purchased better implements. The old plough was burnt, the harness cast aside, two horses could do the labour of four ; one man could manage it, and the rest could harrow, sow, and dig. Wages rose as men became profitable, and one would have imagined that the jackets of the ploughmen became downy, and their linen bleached upon their backs ; and it was truly joyous to see a dozen of ploughs with two horses in each, marching along as if they had been only carrying their own proud heads, the men whistling till the rocks echoed, and slicing down a whole hill-side ready for the seed in a single morning. Then the improved pasture brought abundance of milk, and the very cottagers saved money from their one-cow dairies. Carpenters, blacksmiths, shoemakers, and other artisans, found abundant employment and pay ; and still there was a surplus. One began to erect a better house ; and the rest would not be behind. The hole in the wall was exchanged for a sashed window ; the earthen floor for clean boards ; the smoke, which had from time immemorial free range of the upper part of their dwellings, was gathered into a chimney ; an eight-day

clock, that stood ticking in a corner, told the farmer the hours of labour and rest, with far more certainty than the sun-beam through the hole in the roof by day, or the position of Charles's wain by night. The report went that Mrs. Brown had a tea-pot and cups that had come over the sea all the way from China; and that when Miss Smith rode off to be married, she was actually mounted on a real side-saddle, and that the bridegroom had every thing comfortable, and had a hundred and fifty pounds in the county bank. Meantime, "the schoolmaster" had come (for, though the people had previously contrived to teach each other to read and write a little, there was not one within six miles), and in a very short time there was not a lad of fourteen in the district that could not measure a field and make a plan of it. A higher ambition inspired some of them; they found their way to other places, and followed other pursuits; some got thanks from their country, and many deserved it.

I offer no apology, my Lord, for mentioning these rustic matters with some detail; because the impulse to them was given by a veteran soldier, because I know that they are true, and because the same might surely be done for any district in England, were it not for the single

matter of tithes. They got rid of that in Scotland, my Lord : the tithes were valued ; and the value is paid by the landowner, so that, except his rent and the payments to the state, there is no burden upon the Scots farmer ; and these, instead of being clogs upon him, are, as I have said, excitements, when they are fair and moderate.

Contrary to my general plan, therefore, I do venture to give your Lordship an opinion upon this part of the subject ; and I do so from an unbiassed comparison of what I have seen where tithes are, and where they are not. And there was no want of religion and morals there, my Lord ; and there was a great deal more church-going ; and that church-going tended to make the people clean as well as orderly—they would not appear before the parish in a worse coat than their neighbours. On the same honest and manly feeling, they would not have a worse home, their wives should not be less fine, nor their children worse clothed, worse educated, or, above all, worse behaved, than their neighbours. Yes, my Lord, often have I heard men who were toiling late and early, through sun and through storm, with cheerfulness and gratitude, because their labour supported those whom they loved, enjoining their children to moral dignity and

respectful conduct, because they "did not know before whom they might have to stand yet." And I have seen the prophecy fulfilled—have seen hands which constant toil had made as hard as the hearts of some folks that we know—stretched forth to Heaven; and I have seen eyes that never moistened in the midst of misfortune, streaming with gratitude, while the theme of the thanksgiving was, that the children were "more useful and honourable to their country than the father had ever been." Other movements are the march of intellect—the progress of loftier men along smoother paths; but this feeling of the dignity of man, and the dependence of man upon his own powers and his Maker alone for subsistence and support, is the charge—the very bayonet-rush of mind; and if the whole people could be brought to that, legislation and government would be simple matters.

I do not say that the abolition of the tithing system would make such a feeling general in England; but I do say that such a feeling never can be general while that system lasts: and, therefore, I say, decidedly, "cut it up, root and branch." Secure for the clergy whatever revenue may be adequate to their station and duties, and let it be as secure as statute and bond can make it; but do not let it at once degrade the

clergyman, and stop, like an earth-fast rock, the stream of improvement among the people. Once lop it off, and in a few years the produce of the country would be double to the landlord, double to the farmer, and, if that should be necessary, double to the clergyman. Let nobody want, nobody go unpaid, but take care, in the first place, that they do not impede that industry that alone can and must pay the whole. If England were cultivated as it ought to be, neither you nor I, my Lord, could, at the present time, estimate what it could pay. I am sure that the produce of the thousands of men and of acres that are now idle, might be millions, many millions of pounds, and really it is a shame that we should be without them.

Even though the parties may have, as many of them must have, a half-formed belief that this change would be for their own good, there is no doubt that the cuckoo song of the "good old custom," the "vested right" would be set up. Cutting the sacred misletoe at the winter solstice was, if we credit the bards, the "old" custom, upon which the tithes, whoever introduced them, were an innovation. But tell them, my Lord, that the government and legislature of England have also a "vested right," and one which is superior to every other in the country; they have

the power, the right, I mean, of adapting the laws to the general state and wants of the people, and of making all minor rights, which, whenever they are contrary to that, cease to be rights and become wrongs, subservient to the public good. That is an answer to which they would not re-join, and could not, though they would, more especially if your Lordship showed them, which you could easily do, that they would derive as much advantage from the change as any other class of persons in the country.

Thirdly, there are some minor matters connected with the church that would need to be inquired into, chiefly on account of the character and respectability of the church itself, which, in the case of such an institution, are alway matters of the very first importance.

One of these is the power of holding a plurality of benefices, which is both an absurdity in itself, and a very gross and flagrant injustice. A friend of mine told me, very lately, that almost the next door to him there lived a reverend doctor, who was an archdeacon somewhere, and rector of one or two very populous parishes beside; but that instead of instructing his curates and bell-ringers in the one capacity, and reading prayers and homilies to his flocks in the others,



he spent the whole of his time in reading the newspapers, and drinking tea with old women. Of course, I know no more of the truth of the statement, than that I have never found my informant to mislead me ; but there must be some foundation for it, otherwise it would not be said. Now, if one man can hold two livings, it is a proof that there is a living too many. "But curates do the duty?" Yes, they do the whole, and they do it for very little money ; the people know that, and they never rate the clerical duty of the parish at more than is paid to the curate. Why should they? he does it all for that sum. Say that the living is worth fifteen hundred pounds, and that the curate, who performs all the duty, gets fifty, and it is probable that he may not get so much, what are the people, who measure the value of every thing by the price they pay for it, to think of that? They will think, and in their way very naturally, that the whole clerical service of the parish is worth just fifty pounds, and that they pay the other fourteen hundred and fifty without getting any equivalent ; and if that be not calculated to make them grumble at the church, really I know not what can be.

But these pluralities are a very great injustice

to the clergy themselves. Unfortunately the livings do not often belong at all to the church as a church ; but are the private property of individuals or bodies of men, of which these will make a trade and profit, just as they would do of any other marketable commodity. They are advertised in the newspapers to be “ bought, sold, or exchanged,” just in the same way that people advertise horses or stables. It is not in the nature of things that the people shall look upon them in a more favourable light than the proprietors do ; and as these make merchandise of them, sell them to the highest bidders, as openly, and with as little ceremony as they would sell muslin or mustard, it is not possible that the people, whatever may be their feelings of religion or their respect for the church as a church, can consider as sacred that which may be bought by the most profligate and infidel layman in the land, so that he can afford to pay for it. This fact, that they are lay property, and nothing but lay property, though in the mass of other matters I overlooked it at the proper time, is an unanswerable argument in favour of the power of the legislature to work the tithes as they please, because it clearly establishes the fact that they have no connexion with any thing sacerdotal or sacred. Therefore, an act of Parlia-

ment, the verdict of a jury, and a payment according to the terms of that verdict, would at once abolish every pea and pig of tithes in England.

Now, just because livings are, in the substantial part of them, a carnal and not a spiritual matter, they must be liable to the influence which affects all carnal matters; they must be susceptible of being accumulated by any man who can command the carnal power. The church is, therefore, already under the dominion of laymen; those who have done or can do service to these laymen, enjoy the livings, and the independent clergymen, those who are all for religion and the church, may preach to the winds and the waves.

This must really weaken the church and estrange the minds of the people from it; and the only way to prevent that is, to make the person who holds the benefice of any parish reside in that parish, do the duties of it, and do nothing else. If it will not maintain any sort of a parson, then it is superfluous, and ought to be joined to the next parish; and if it will support one, however humble, that humble one is just the man for it. How can a bishop at one side of the country be a dean at the other, and do the duty

of both offices? How very near to being ludicrous it is, to think of the Lord Primate of all England visiting and admonishing himself as rector of Saint Mary Lambeth! Truly, my Lord, the church would find you two or three years of most necessary and most useful work.

## CHAPTER V.

## EDUCATION.

THAT is a subject, my Lord, which, on account of its great importance, I originally intended to treat separately ; but the notice of the church has brought me so near to it, that I may as well say a few words here.

At the very commencement of this branch of the subject, there arises a question which must have previously occurred to your Lordship, but to which it may not be very easy to find a satisfactory answer. “ Why has England no regular establishment for the education of the people ? ” For all other purposes we have establishments. We have a king worthy of the nation ; we have an executive, better or worse as it happens, but always powerful enough, and generally the more costly the less it is worth ; we have Houses of Parliament that stand unrivalled, in the length of their debates and the number of their acts ; we have a navy that literally swept the sea ; we have an army that won the final triumph upon land ;

we have boards that would pallisadoe a county ; we have plenty of church ; an exuberance of law ; physic and bleeding to our hearts' content ; no lack of transportation and gallows ; quorum ; till we would no more ; and plenty of police, though not always when and where we want it the most. In short, I have not breath enough to enumerate what we have, we have so much ; but we certainly have no general establishment for the education of the people.

And yet, my Lord, this country is not only more indebted to education than any other country, but it is more indebted to education than any thing else. Yes, whatever superiority we possess in wealth, in splendour, in power, in intelligence, or in comfort—and we have much in them all, we owe it all to education ; and yet no thanks to any establishment adapted to the general education of the people. But it may be said, that if we have all that superiority without such an establishment, we might not have been better if we had had one. The objection is neither sound nor conclusive ; we have got that superiority without many things of which we would have been the better, as well as with many things that we would have been the better without. We have advanced as far as the good that we had would carry us, and the evil to which we have

been obliged to submit would suffer us ; but there is not the least doubt that if we had had more of the good and less of the evil, we would have gone further in proportion both to the increase of the one and the diminution of the other. If the current has been adverse, we must not give that the merit of the wind that has borne us against it ; because without the wind our motion would have been all the other way.

The greatest evil that we have sustained from the want of a general institution for education, has been narrowing to a small portion of the population, the number out of which we have obtained our leaders and directors. I do not mean those who have led in war, or directed in politics, for these are offices which we find filled among the rudest savages ; but those who have led and directed in the career of improvement. As a general, we want only one Wellington at a time, and it is all the better for us when we do not need even him in that capacity ; but we have no objection to a constant succession of Watts or Telfords, by scores, or even by hundreds. Influence can do marvellously little for a man in those latter capacities ; we therefore want the very widest range that we possibly can from which to cull them ; and it is against both theoretical probability and experience that we should

find them in the very highest classes. When nobles take to mechanics, they generally make trinkets; and though we have instances in which patriotic peers have paid the expence of canals and bridges, and sometimes made great profit of them, that is not the quarter in which I at least should seek for a plan. The men who have been of the greatest service to the arts, and therefore the most efficient contributors to the wealth and prosperity of this country, though not from the very lowest, have all come from rather low stations in life. Such an origin is, indeed, almost necessary; as those who are higher want the mechanical foundation upon which the whole, to be stable, must be built. The want of a suitable establishment for the education of those not quite at the bottom of society, but near it—those who have too much honest pride for sending their children to a charity school, and who can neither afford to pay, nor choose to have them bullied and beaten by the aristocracy at the great public manufactories of nonsense verses, is, therefore, one of the greatest losses under which England could possibly have lain; and that it is still a want is one of the greatest of wonders and of shames to her successive legislations. It was absolutely criminal to let so much mind run to waste for so many years, when the com-



paratively small quantity that had the good fortune to escape, has been so very effective in enriching those by whom the whole has been so much neglected.

One cannot help wondering why they had not done it for the sake of that which they all professed to admire—religion—the church—and I am more than half inclined to think that, if the church had, more than a century ago, grafted upon itself, which it very easily could have done, a good general system of education, dissenters would not have been so numerous by half as they are. A people who are uneducated cannot possibly understand any thing about religion ; for if he understood neither, a man is just as likely to be impressed by repeating the Chinese alphabet as the church catechism. But, while the Doctor stood firm upon the orthodoxy of his creed, and the beauty and sublimity, and condescended not to get his humbler parishioners as much of the rudiments of education as should enable them to read and study at their leisure that inspired volume, from which both the doctrine and the sublimity are derived—the attendance of the poor man at church, and his genuflexions and responses there were, of necessity, merely automatic—mere monkey work—his mind being all the while vacant, unoccupied, and uninterested. Mean-

while the cobbler began to warm on his stool, or the weaver upon his seat-board ; and the warmth, fermented, by the addition of a little hatred of work, into a sort of state which, with those who could not be supposed to know very well what the word meant, passed for inspiration. The man knew the springes, however, wherewithal to catch the ears of the illiterate ; so he ranted, they ran at his heels, and the Doctor was left to direct his orthodox and classical homily to empty pews. This is, no doubt, a sad state of things, but it has often happened, and with a people that are without education, nothing was more likely to have happened, or is more likely to happen again.

“But we are not without establishments for education ; there are Isis and Cam, and the great schools, and there is a charity school in almost every parish, and the national schools, and the word academy occurs ten times in every village ; and”—Hold, hold ! we have these, and we have the British Museum, and the Royal Society, and the club-room, and the Stock Exchange, and fifty other places, where five hundred things are to be learned ; but none of these is what is wanted. One half of them we owe to the times of darkness, and they are still, and ever will remain, monastic to the very core. In as far as the classes of the people that want the edu-

cation of which I speak are concerned, Isis and Cam may, in the not ungraphic language of the satirist, "sleep in port." The great schools are also too high and too useless; and the others are too low. Charity schools are the very curse of the lower classes in England; they sow the seeds of beggary and dependence before any thing else has taken root; they are job and patronage all over; and the moral and even the literary education that can be got at by them is execrable. Any body's doer of dirty work is, when cast off, fit enough for teaching a charity school. Let the people pay for the education, if it is only at the rate of a farthing per week, and tumble down the charity schools upon the heads of the (mis) managers. That is a part, and a most mischievous part of that silly system of vanity, which makes men, who have a few pounds, think that men who have not can do nothing. Command them, my Lord, to take their stupid carcasses out of the way, mind their own business, be honest, and let the people get room and free air, in which to be honest too.

"Yes, but the national schools, the systems of Bell and Lancaster?" Aye, Bell and Lancaster,

"Th' apostles of that new religion,  
Like Mahomet's, were *goose and wigeon*,"

**Mechanical mummeries that supersede the neces-**

sity of all thought, may be wondered at for a time, and, when that time is past, folks may wonder again why they ever could be so silly as to wonder at them ; but they never were, and never can by possibility become education. That which would really do the business, and do it well, could be obtained for much less than is paid for these fooleries, and might be placed out of the reach of all the petty influence that makes them, if possible, worse than they otherwise would be.

As for the academies, again, my Lord, they are mere weeds that have sprung up because no attempts have been made to cultivate a more useful crop, just as furze or nettles overrun a farm when it is in Chancery. I do not know what your Lordship may think about the matter, or whether more urgent avocations may have left you any time for thinking about it at all ; but when I see a great barrack-like building, with white dimity curtains to the windows, bearing the appropriate rubric of " Clod-of-beef House," and " Academy," with the style and title of " Dr. This," or " Mr. That," painted upon it in letters as glaring and as golden as " Barclay, Perkins, and Co." under the George or the Red Lion, I cannot help thinking that there is more similarity between the establishments than the Doctor or the Mr. would be willing to admit. They are merely trading

speculations, my Lord, very often set on foot by tradesmen, and very illiterate tradesmen, who have failed in being able to make their bread by the sale of hobnails or herrings. They do not care much about the education part of the matter; and how can they? for assuredly education never paid any attention to them. What they want to make is a living; and in all matters of which the public generally are not very competent judges, art is more effective of that purpose than honesty. We have scrutineers and judges, who put on wise looks before any one is permitted to carry on certain trades, of which anybody is competent to judge; but these persons, upon whom so much of the value and character of society depend, and of whose capacity and conduct so few are able rightly to judge, have nobody to look after them; and *even I*, without any person offering to question my powers, might open an academy to-morrow. Now, in a country where so much is paid for all sorts of watching, why is there not a little vigilance here? That some of the conductors of these establishments may be capable of doing their duty, and may do it, I am not inclined to deny; but the safety of the public would demand, that they all should be capable, and all do it. The children who are entrusted to their care are not capable of judging; and as

people, with what wisdom I need not say, have a very general habit of impressing their children with the notion, that learning is a task, and prescribing an additional portion of it as a punishment, there is some reason that the pupils will give the preference to the school where the tasks are the easiest, the most a matter of mere memory and routine, and therefore the most useless. Many of the books that are used at such places are proofs of this; they are contrived to be remembered, but not to be understood; which last would sometimes be rather a hard matter, as there is really nothing in them to understand. The parents, too, are in very many cases no judges of the matter; they are often persons who, by industry and the other means of trade, have made a little money, but who have never, in advanced life, made any effort to supply the want of that education from which the condition of their parents cut them off in their youth. With such parents anything may of course pass for education; and if their children be contented so are they.

Even where the parents are of a more informed and intellectual description, the system is attended with evil. Society is the grand school for the young; and has, perhaps, more influence upon their habits and morals than the merely

scholastic part of their education. Now that is what the pupils at those institutions, who are for the most part there permanently as boarders, are completely cut off from, unless it be the society of children of their own age, from whom they most generally learn idleness, and sometimes vice. The chief man of the place, even though he were a model of manners, which he seldom is, could not possibly be with them always, and really is seldom with them. He is a tradesman, and must pay his chief attention to his bargains and his books. The ushers are, therefore, the only persons of an age more advanced than their own, with whom the pupils at such a place can associate. Those ushers are, perhaps, in point of emolument, lower than any other class of persons in the country that require education, and even lower than many that require none; and, therefore, as they must be mere youths, or men that are unfit for anything better, the benefit of their society cannot be very great. The salaries usually paid to these persons are, I believe, much lower than the wages of the most ordinary mechanic; and at the same time, they are obliged to be at some expense for dress, to prevent their being absolutely hooted at. Such are the persons who have the forming of the minds and morals of the middle classes of English youth,

up to the very age when they are to be engaged for the greater part of their time in counting-houses. Meanness of spirit, or love of low dissipation, and an ignorance of the pleasure of behaving well, must be the inevitable consequences, and must remain with them through life ; whereas, had they, during the years that they suffer the society alluded to, been spending their time with their parents, they would have learned to love domestic life and the natural feelings of relationship, if they had done nothing better.

The plan that nature points out is always sure to be the best one ; and the whole of the improvements of which I have formerly taken some notice proceed upon that principle. Now, the plan of nature is, that the young of all animals that need training or attention, should be trained and attended to by their parents ; and the same nature has not left that sacred duty to the contingency of whim, or even to the judgment of reason, but has implanted in the minds of parents a feeling or instinct which prompts them to the performance of that duty without any previous calculation of consequences, or any hope of gain or profit to themselves. With them, the reward is in the deed—the pleasure in the performance ; with any other person, the reward is a fee, and the pleasure is in that, and in that alone. The



labour is in itself a toil and an aversion ; and if the reward would but come without it, the labour would be gladly dispensed with. In all cases, the said labour will be reduced to the smallest possible quantity, and every means by which it can be skurred over without observation will be resorted to. And this is not crime, my Lord—at least, it is not crime within the statute ; or if it be, we should have to punish all thriving men for the mere fact of thriving. The principle in that is, to make the incoming as much greater than the outgoing as possible ; which is, in truth, all that reason can do for the improvement of society. But when we can set the feeling, or the instinct, or whatever we may choose to call that which finds the pleasure in the action or outgoing itself to work, the work is sure to be better and more promptly and cheerfully done, than when reason is the principle, and reward the motive.

When we look, my Lord, at the way the world has been governed, we cannot fail in being astonished at the total disregard that has been paid to this most important distinction. Those who have enacted that any thing should be done, or let alone, do not appear ever to have made the agreeableness to the obeying party an element in deciding upon the enactment. They have gone on in the confidence of their own self-sufficiency,

as if they had thought a great deal more about the mere making of a law than about what that law would be good for after it was made. This was very unphilosophical—absolutely very silly upon their part; but, like all other matters to which either of the names can with propriety be applied, it arose from ignorance. The statemake-maker had never been in the situation of those who were to obey the statute, he had not the talent, or rather the knowledge of human nature, that would have enabled him to place himself thus in imagination, and therefore he legislated against the natural feeling of mankind; whereas, if he had known better (and the knowledge is not very difficult to be acquired), he would have legislated in favour of them. Thus he has had to work by force instead of favour—to drive when he might have walked at his ease before, and society followed; and thereby he has given himself a great deal of labour, and incurred a great deal of expense. If you go the way that your horse is inclined to go, you save the cost of spurs and whip, and the animal will bring you safely home in the dark, when you are ignorant of the way. Men have feelings or instincts; they are as natural and as conducive to their good, general or particular (for the same Being implanted them both), as the instincts of horses;

and if the riders who have bestrode the human animal had been a little more attentive, to make the ways in which they wished men to go correspond with those in which men themselves were inclined to go, they would have been saved the trouble of a great deal of whipping and spurring, and their progress would have been much more swift and pleasant.

In times of ignorance, and also in times of animosity, it is not, perhaps, very easy to hit upon this coincidence; but when people are well-informed, and affairs are tranquil, I do not see why it should be very difficult; and I am sure that the trouble of finding out the way most agreeable to mankind would be doubly compensated in the little trouble there would be in conducting them in it, and the rapid advancement that they would make. Always, indeed, when a legislator has the good sense or the good fortune to address his enactment to the natural wishes of mankind (though these are not always their expressed wishes), he enlists an auxiliary, or rather commits that part of governing to a voluntary vicegerent, that will be as active and as faithful as he can wish. Could this be done with all the natural or instinctive feelings of men, it would reduce the penal law within a very narrow compass; and why it should not be done, more

especially in times like the present, when all know, or ought to know, that it would be so much for the better, I really cannot see. At all events, I am quite sure, that if the moral training of English youth, in the middle ranks of society, could be generally committed to the natural affection of their parents, it would effect a wonderful reform upon the whole conduct of society. If they found always good society within the paternal roof, and in by far the majority of cases that is the best society for a child, they would have much less disposition to go out and form improper connexions. As matters stand at present, it is not possible; the parents must, for great part of the day, attend to their professions—to the means of obtaining the necessaries of life; and, therefore, the children must either go without education, or resort to those places which I have said are, from their very nature, so objectionable.

One would have thought, my Lord, that a church, which is so learned and so influential as the Church of England, would, ere now, have planned and carried into effect some institution for general education, more especially as that neglect has, as I have said, probably been one of the chief causes of dissent and departure from the church. But really the church has done

nothing—not even in those establishments where her own members are supposed to attend and obtain their learning. Whatever public institutions England possesses for education, she owes not to the Protestant church, but to the Catholic; and, therefore, we may conclude, that if there had not once been a Catholic church in the country, we should have had no establishment for education at all—not even for that of clergymen, but might, ere now, have come to the old state of things, when the lady signed the charter “because the bishop could not write!”

Now I have not, as I have said already, any wish to launch upon the troubled tide of ecclesiastical history; and therefore I do not say positively what was or was not; but one general accusation made against Catholics by Protestants, and by the Church of England as much as by any other is, that their feeling was to keep the great body of the people in a state of ignorance. But whatever may have been the intention, we know the fact of the great body being actually ignorant; and thence we may conclude that the Catholic colleges of Isis and Cam are not adapted for communicating that species of information that the people want. The single fact of the academic honours not depending upon extent of acquirements, but upon length of

time—as if a dunce of twenty years standing were not twice as incorrigible as a dunce of ten—would be decisive. Those institutions tend to separate those who go there from the rest of the people, to give them monkish notions, that that which is neither ornamental nor useful may yet be honourable—a very stupid doctrine in an age when it is demonstrated that use is every thing; and which can hardly fail to confirm those who believe it in the category of the useless, unless they shall have the good fortune to escape, engage in the active business of the world, and become converts to a more wholesome faith. I think the Senate Houses, my Lord, are no bad places from which to obtain a knowledge of what kind of information is of most value to the higher classes in this country, in the way either of splendour or usefulness. Now, except, perhaps, in a scrap or two of Latin—which made nothing in the way of argument or illustration, and which seemed to be thrown in on purpose that the *clacqueurs* should give a halloo, under cover of which the speaker (I mean the person speaking) should again catch hold of the end of his wits, which seemed always to be slipping out of his grasp when he fell to his Latin—except perhaps, a scrap or two of that, I never heard any thing in either House of Parliament that

proved that it had come from Oxford or Cambridge, and from no where else. Excepting these—and they are to be found so easily and readily any where that there are collections of them with indexes and labels for their use, as apothecaries do with other stimulants—I have never heard what I could be sure was “college,” in the senate, or in the pulpit, or probably (though all sorts of things may be heard there) at the bar; but I have been told that it is heard on the turf, and well enough known at Newmarket.

Therefore, my Lord, instead of allowing the prolonged existence of those antiquated establishments from preventing your examination of the causes why we have not a national system of popular education, they do present themselves as most fit, proper, and necessary objects of inquiry—when more urgent and important matters shall have been discussed and settled. With them you will have much more easy work than with many other things; inasmuch as the church will no doubt co-operate with you—the institutions being of Catholic origin. But whether it shall please them to do so or not, the inquiry is needed, and you will be in no want of assistance.

Let it not be said, my Lord, that this is a matter, the burden of which may very properly

be taken off (or rather not laid upon, for it does exist yet) the shoulders of the legislation, and left to the people themselves; for if there be one subject which is more worthy the attention of the legislation than any other, that one is assuredly the education of the people—there being so much wholesome preservativeness in that, that it renders a very great part of the after and more painful duty of the legislation, correction and coercion, unnecessary. How much soever people may be disposed to do their duty, they never can be expected to do it well without knowing what it is; and how can it be expected that an uneducated population can understand statutes, about the meaning of which the learned administrators are every day reserving points for consultation with their brethren, and upon which the very makers themselves are frequently obliged to take the opinion of the twelve judges? In common matters of right and wrong, for which there is a law in human nature, as well as in the statute book, and which is probably to the full as clear and explicit in the former as in the latter, the inability to understand the written law is of less consequence—because then the people are “a law to themselves,” and can draw the line between honesty and theft, or between kindness and cruelty, as well as any judge that ever sat upon



a bench. But there is a large portion of our statute book—of so merely an artificial and conventional nature—has so very little in accordance with any natural principle or feeling of man—nay, often stands so diametrically opposite to those principles and feelings, that it absolutely cannot be found out by less of technical ingenuity than that by which it was invented. Out of very many cases I may instance the game laws, because those operate most powerfully where the people are in a state of the greatest ignorance, and therefore the breaches of them are most offensively numerous—so much so, that while perfectly loyal and orderly upon all other matters, the peasantry of England may be said to be in a constant state of “game-law rebellion”—which leads on to a series of the most heinous crimes, including murder itself among the number.

Now, my Lord, here is a point well worthy of the grave consideration of those who, for the sake of a monopoly of hares and pheasants, are the indirect (rather the direct) causes of those outrageous and bloody deeds—causes why certain numbers of the lower orders of society, under the appellation of “keepers” on the one hand, and of “poachers” on the other, should bear and exercise toward each other rancour and hostility, which are not only unseemly in a land of exces-

sive legislation, but are a disgrace to civilization itself. The authors of the law—those from whom it has emanated—are morally guilty of every cruelty and crime, by whomsoever perpetrated, that has followed out of it. And why? For this plain reason, my Lord—this reason that any body can understand—they have sent the bane abroad over the country, and they have withheld the antidote. They have enacted that certain practices shall be punished as crimes; but they have been at no pains whatever so to instruct those to whom the law is addressed, as that they can by possibility perceive in what the criminality consists. Now, with any others than the veriest slaves, whom you may drive to the market like hogs, or to the slaughter like sheep, it is not only very cruel, but very absurd and inefficient; merely to say that such is the law; and it is especially absurd to do so in a country like England, where the words “freedom” and “liberty” are upon every lip. What are freedom and liberty, my Lord? Do they consist in doing implicitly, and without any consideration, whatever you are ordered, and without any reference to your moral feeling of right and wrong? If that be “freedom and liberty,” I know not where to look for “despotism and slavery.” Far be it from me to say that the freedom of Englishmen

should ever lead them to disobey the law in the slightest iota ; but it demands that the law should be addressed to them as men and not as machines—that they should be so informed of its nature, bearing, and necessity, that the command from without shall be instantly echoed and seconded by a principle of obedience from within.

I have adduced the instance of the game laws rather than any other, in illustration of the necessity of educating the people before they can reasonably be expected to obey such a code as that of England, or with perfect moral justice be punished for certain breaches of it ; because, in country places, where the people are necessarily the most ignorant, there are more breaches of the game laws than of any others, because they are broken by persons who stand guiltless of the breach of any other law, and because the breakers of them are chiefly, if not wholly, ignorant and illiterate persons ; so much so, that I have not been able to meet with a case on the part of a person of education, unless where the morals of that person were previously debased by other practices. This is rather a painful subject ; but it is one that calls for the most immediate and the most profound consideration. That the law has been sent forth without the accompanying information on the part of those to whom it is

addressed, is true; that crime and misery have followed its promulgation, is equally true; and, therefore, those who have sent the one part without the other, will have a labour of which I do not see the means of performance, before they shall find the proper door at which to lay the blame of the blood that has been shed—the real party upon whom the burden of the crime and debasement of character ought to be made to rest.

If a matter of such vital importance as education were to be left to the people themselves, I really do not see another that would be too great for them. The government has often taken into its own hands, and bestowed its utmost attention upon schemes and projects, which, compared with the education of the people, sink into utter insignificance. We leave a great deal too many things in the hands of the people in this country, my Lord; and we would have a great deal more wealth and enjoyment, and more absolute and substantial freedom, if the government would take them under its paternal care. There have often been great complaints at the extent and growth of the influence of the crown; but when I have seen how other influences have worked, my Lord, I have often wished that the influence of the crown would play “Aaron’s rod,”

and in good earnest "swallow up the serpents." The government has no doubt erred in having attempted to do many things which it is contrary to the nature of a government to do, and which, therefore, ought to be left to the people; but, on the other hand, it has been just as guilty, in leaving to the people many things which they could not by possibility do, and which, therefore, have remained undone.

The distinction between these two classes of operations—those that are best done by the government, and those that are best done by the people, is very clear and simple; and arises immediately out of their different natures. The government, really when a good one, and pretendedly under every circumstance, is for the whole people, and, according to their classes and stations, for them all alike. It ought to have no class, rank, party, or profession, more in favour than another; but to see that they are all going forward fairly, and not jostling one another by the way. The people, though they should be but one in the estimation of the government, are in themselves many. Class strives to get and keep the advantage of class, rank of rank, and profession of profession; and not only this, for the individuals of the same class, rank, or profession, have the same disposition to clash with and jostle

their neighbours. They live by each other, make their profits and fortunes at the hands of each other; and, therefore, the *esprit du corps* of the classes, and the *esprit propre* of the individuals, are constantly on the alert to take every advantage. So far from there being the smallest harm in that, it is the very nature of human beings; and the more that those principles are in action, the greater is the progress of society in every thing valuable and useful. The activity of those principles, which those who do not reflect upon what they say are sometimes apt to designate not by the most complimentary or even the most seemly names, constitutes all the difference between a thriving people and one that is stationary or retrograde; and all the inventions and improvements which are made, are made merely as aids in this scramble as to who shall be foremost. A good government rejoices at their activity, and bids them God speed; but while all goes fairly and honourably, it should never interfere. If, however, any thing wrong is done, as when any one snatches the cudgel out of the hand of another, the government (which should always be so strong that no individual, or set, or even combination of sets, shall dare to resist it) wrenches the cudgel from the aggressor, gives him a bang across the head

with it, to teach him better manners, and returns it to the party from whom it was unjustly taken at the first. If the bang be not outrageously hard, and the cudgel the rightful property of the party to whom the government gives it, nobody complains ; but, on the other hand, those who see the act, and can take as much time, applaud it, in the confidence that each will meet with the same prompt assistance, in case he shall have any need for it.

Such, my Lord, are the attitudes in which a free people and a good government stand with regard to each other ; and the practices of each are so different, that the one could not by possibility undertake what belongs to the other without loss. If the government were to join in one part of the scramble, the people would take the opportunity of doing mischief to one another at another part ; and if the people were to attempt to redress any particular grievance, they would soon be all together by the ears ; and the progress of the whole would be stopped. If the case were otherwise ; if the people could manage general and public matters without a government, there is no need of saying that a government would be a needless expense. Some persons, who have more words than wisdom, who, because they happen to be very ignorant themselves, fancy that

some silly crotchet that has taken possession of their "vacant attic" is all the wit of the world, and therefore run about attempting to inflict the blessing of it upon everybody, have taken it into their heads, or rather it has crept [into them in the manner mentioned, that governments are useless, are inventions of the governors for their own glory and gain, instead of any advantage to the governed. And I admit, my Lord, that the abuse of government, like the abuse of fire, or gunpowder, or opium, or the power of making acts of Parliament, or of any thing else that is particularly potent and valuable when used with skill and discretion, is very bad; bad in the same proportion as it is excellent when under proper management. But, my Lord, we must not eat our dinner raw, or sit shivering in the winter months, because some fool set his curtains on fire by reading himself to sleep over a stupid book in his bed; neither must we refuse a few drops of the tincture of opium, to take off the agony of an excruciating disease, because some poor, ill-educated, and worse-advised girl poisoned herself with the same liquid in a love phrensy; and just as little must we cease to learn and to love the abstract and natural virtue and necessity of governments, or refrain from using our tongues, our pens, our pistols, or any other instrument or weapon that may



be nearest to us and best fitted for our use, in preventing ourselves from losing a good one, when we have the happiness to enjoy it.

If a nation could by possibility be great and happy without a government, some nation would have been so before now; but instead of that, the attempts that have been made have proved the opposite. You can leave no matter that concerns the whole people to be done by the whole people, for this simple reason, that the whole people really can do nothing. There would be a scramble; a private party would get hold of it; their private principles and views would work; and they would make a party job of it, to the injury and annoyance of all the rest. There are some such things in this country already, which, if I can find leisure, I shall afterwards name to your Lordship; but they are not absolutely necessary for illustration of the topic in hand; for the establishment of a proper system of education has been left to the people of England, and they have not established one.

And what has prevented them? Not the government certainly, nor any other thing, extrinsic of their own incapacity of doing so, that I can at this moment call to memory. They are without it, simply because it is too general for them; and if it be not given them by a power which is

general, and quite free from party and local influence, they will never get it in any way that will be general, and conduce to the unity of the people, at the same time that it conduces to their information. Apart from the purity of its doctrines and practices, my Lord, that is the great advantage of a national church. It becomes a bond of union; and while it does not in the least, when under proper regulations, interfere with the individual beliefs of the people, and should stand pure and free of all party, it is another tie, besides that of the government, by which the people all over the country are made one people.

The conduct of the dissenters, my Lord, is no bad illustration of the principle of union that is derived from having every thing that affects all the people, general and national. Their church-planting has been left to themselves; but instead of acting as a body, there, perhaps, never was such division, and contradiction, and scolding, and writing, and railing against one another, among any people on the face of the earth, that did not actually come to blows and bloodshed; and if religion, distort it how much soever the folly of men may, were not too sacred a matter for laughter, it would be difficult to pourtray men in a more ludicrous light, than where there are two hun-

dred, or three hundred sects, all differing, each one condemning all the others, and yet every holder forth proving, to the perfect satisfaction of his followers (till they shall take a greater fancy to one who holds the opposite doctrine), that he alone is in the right, and that there is no true religion anywhere upon the face of the earth but in him, and the score of persons that are listening to him. Sometimes very perplexing cases occur, of which I remember one. In a town in the country there was a particular sect that had the greatest abhorrence of adult baptism. They had been a considerable time established; and as it was one of their maxims to deal only with the members of their own church—a most pernicious maxim, by the way—they had monopolized the principal connexion in the place. The enemy came into their strong hold, however, in the form of a very voluble advocate of adult baptism; and one of the brethren was converted; he was the only convert, however; and so, as he alone could not make a church, the *Antipædo* took his departure; and the catechumens, finding that his worldly affairs were not the better for the change, wished to return. But how to unbaptize him was the puzzle; and, after a great deal of debating, they did it by proxy—held both the former ceremonies as void, and

baptized him *de novo*, as an infant, in the person of his own child. With such evidence, and with volumes of more and better evidence that could easily be collected, it is utterly impossible ever to get a general system of education for the great body of the people, that will act, as it ought to act, as a bond of union, or even that would last a month—nay, even that could come into action at all, unless we get it through the influence, and with the support of, the state, co-extensive with, and permanent as the national church.

And so far from there being any objection to the connecting of it with the national church, that is just the very connexion that suggests itself, and the only one that would at all answer the purpose. You cannot, my Lord, have a national establishment for education without a religious basis—at least, I should be sorry to see such a one—more so than I am at seeing none at all; for, so long as we have none, we have the hope, that when it does come, it will be a good one.

It is not for me to suggest, or to say whether an establishment for general education all over England should or should not be modelled something after the fashion of that which has long existed, and been so great and so cheap a benefit to the people of Scotland; or that it should stand

in the same relation to the Church of England as the Scottish one does to the Scottish church. There is only one clerical condition about it, and that is, that the children of all sects should have equal access to it; that it should be connected with, and under the church; but that it should be for education, and not for proselytism, in any sense of the word, further than more enlightened minds would give the people clearer perceptions of the truth. Could you effect that, my Lord, it would be a triumph.

## CHAPTER VI.

## PARTIAL ADVANTAGES.

UNDER that name there may be classed a number of minor matters, some of them of rather modern date, but the greater part belonging to the lumber of antiquity, and all of them dead weights and clogs upon the industry and prosperity of the people—as such, injurious both to them and to the government, and, therefore, deserving of inquiry ; and, if the result shall render that necessary, modification or removal. They are chiefly minor matters, as compared with those to which I have already called your Lordship's attention, and also as compared with some that remain still to be noticed ; but they are not, for that reason, unworthy of consideration. The smallest annoyance may become insupportable from numbers : the white ant, which, singly, is a very little insect, is, in some countries, far more

formidable than the boa constrictor or the tiger, though they also are found in the same countries; and if hornets are but in sufficient numbers, their stings will occasion the death of a lion.

There is another thing which often makes these small matters more galling and hard to be borne than others of much greater magnitude: they are local and fall but upon a few, and then they are nearly as heavy as much greater ones that press more widely; and not a small part of the anguish to those upon whom they press, lies in the consideration, that while they are under the burden, others, who are within the reach of their observation, are free. This has all along appeared to me to be a very strong argument against delegating much power of any kind, and especially any of what is usually called discretionary power (which is a name for the power of individual interest, caprice, and passion), to local authorities. I dare say you find, my Lord, that even near the focus of authority, there are some persons who, if you did not keep a very tight rein over them, would follow their own plans, and attend to their own interests, much more than to those of the public. Now, if they would do that almost under your Lordship's personal observation, you may very reasonably conclude that, if at a distance, and with none to

watch them, they would actually do it. I am sure your Lordship has noticed in the army the particular kind of officers that are fondest of being sent upon detachments, when no very hard or hazardous service is expected to be required; and from that you can form some notions of the conduct of detached holders of all sorts of power.

This has often made me (and the matter must have appeared in the same light to hundreds besides me) wish that a number of the antiquated petty sways, which *foul* the country all over, like barnacles on a ship's bottom, could be careened off, and the whole put under the management of government officers, who would, of course, be free from local connexions, influences, and prejudices, and responsible to the whole public; and (which is fully a better security) knowing that their advancement in life would depend upon the perfect fairness with which they did their duty, and not upon any jobbing that they might be able to carry on, would have their interest, as well as their honour, enlisted on the side of the public.

I am aware that the noise and outcry that would be made were this attempted, or even talked of, would be very great—great exactly in proportion to the necessity that there is for the



measure. But when a farmer finds that the rats have mightily increased in numbers, and are committing terrible havoc among his corn, and is thence induced to marshal all the pitchforks and terriers that he can for the purpose of exterminating the spoilers, he never desists on account of the squeaking of the vermin. No : on the other hand, it is music to his ears ; and ever and anon as prong or pincer forces the last screech out of a villain, he glories at it, and exclaims, " A bushel saved towards paying the rent." In the extirpation of political vermin, it would be just the same ; and, if it were possible to cut down local authority to a wholesome standard, and substitute national authority in its stead, there would soon be fewer taxes to pay, and more disposable money to pay them with.

It is true that there is abroad over the country a considerable dislike to government interference, more especially in the management of matters that it has not been accustomed to manage. But independently of the general dislike of novelty, even when it is a great and palpable improvement, there are two causes for that. In the first place, the parties who now hold, and both abuse and degrade, the power, use all the arts which themselves and their emissaries and underlings can invent, to circulate a notion that if the power were

transferred to the government, it would be despotism, and the Lord knows what—as if the tyranny of a tithe-renter were not, so far as it extends, both more grinding and more humiliating than the tyranny of a government; and in this country the one is as certain to be a tyrant and a jobber as the other would be to be open and honourable. In the second place, the people derive their notions of governing and government from the conduct of these local gentry; and as they find that they do nothing but from selfish notions, they imagine so of the other. If an insurrection were unfortunately to break out in any of the provinces, even nominally against the general government of the country, it would not be so in reality. The real cause would always be found to be something local, and the real objects of vengeance the local authorities—the persons who, within a limited compass, had taken kingship upon themselves, and made it as unlike the kingship of George the Fourth, as any thing that is small and dirty can be unlike any other that is great and brilliant.

Thus, my Lord, there really cannot exist in any part of the country a power which, however confined may be its sphere, or few its acts, is in any way an imitation or counterfeit of the state itself, without the people suffering, and the state

being degraded in their eyes. No matter for the foundation upon which such counterfeit power may claim to rest—no matter for the centuries of misrule under which it may have been waxing hoary and dotard—no matter though it may have been jobbing under every change of minister, monarch, or dynasty, since the days of Alfred—these may be all very apt and cogent arguments for cutting it up, but assuredly they are none for suffering it to job and debase longer. Yes, my Lord, if we are to have any thing which is an acknowledged evil both to the people and the government so safe and permanent in its iniquity that the government itself cannot remove or reach it, that evil is a direct and constant rebellion, whether custom, or charter, or statute be the foundation on which it rests. The legislation has the power of modifying all the good institutions and practices, and it would be a strange perversion if it dared not to interfere in any way with the bad ones.

CORPORATIONS, my Lord, stand glaringly forward in this catalogue of antiquated absurdities—nay, almost nuisances. They may have had there uses in the semi-barbarous times in which they had their origin—they were intended to protect merchants and tradespeople from being plundered by the neighbouring barons; but they

answer no such purpose now—because there is no such purpose to answer. That any thing should have been thought useful once is no reason why it should be useful for ever: the test of present utility is that by which alone every thing public should be tried; and if it cannot abide that, it should be done away with. From the most careful observation and study, I can find many things against a corporation, but I am able to find no argument in favour of it that would not apply equally to the ordeal of water, or of the burning plough-shares. A most useful inquiry, therefore, would be that which should sift corporations to the utmost. I do not at once say, “abolish them all;” but really I think so.

It is reported that a certain illustrious person intimated, that if he were possessed of certain power he would abolish certain offices which have large revenues attached to them, and as to the value of the duties of which men are not quite agreed. Those who heard him were a good deal astonished, and pressed him to give some reason for a proposal so unexpected. “What’s the use on ’em?” is said to have been the reply, and the inquirers said not a word; and I am sure that the same question put to their advocates would end all dispute about corporations.

It is in vain to argue in their favour that the

men who hold corporation offices are disinterested men, who devote their time gratuitously to the service of the public. Even if this were true, the service would, in very many instances, be an infliction instead of a benefit. But so far from its being true, corporation offices are the ones in which, proverbially, men in general get rich and fat; and this, in conjunction with the fact, that that which they do for the public—though the greater part of it be senseless mummery—is not publicly paid for. Those two circumstances are so incompatible with each other—it is so utterly impossible for a man to make more money by having his attention distracted, and a portion of his time occupied—that nothing but the certainty of secret profits, and secret profits to a large amount, can account for the richness and rotundity of aldermen and mayors.

Take London as an example, my Lord; and London, being the seat of government and the centre of intelligence, should be purer itself in comparison with the corporations of remote places, where the officers are little despots in their own localities. By the great corporation of the city of London, or by any of the minor corporations with which the place is infected, there is never one action done that is not a job and a matter of favour, and of course of profit, to somebody or

other. From the office of alderman to that of beadle, the appointments do not proceed at all upon the fitness of the parties for their duties, but are the result of cabal and canvass, and trick and bribery—for without the actual handing over of a stiver in cash or a stiver's-worth in chattels, there may be most extensive, effective, and pernicious bribery. The facts show this every way. If the persons who hold office in the city be those of the citizens that are best qualified, then, assuredly, the citizens of London are the greatest blockheads under the sun. To cite only a single instance: look what a precious piece of work they have made of London-bridge. And, my Lord, they did not do that in ignorance; for they were told, and well and repeatedly told, what the result would be, before the bill passed the House of Commons. The arguments of reason, the opinions of eminent professional men, and the demonstrations of philosophy were all put to them, and put very forcibly; but there was a secret something—"a strong impulsive gravity"—which controlled their destiny, as if they had been lead and feathers falling in a vacuum (where all fall alike); and obey that they did, and must.

But, my Lord, we see the scramble and jobbing; they will not hide; they are proclaimed in

the very streets and placarded upon the dead walls; and if it were not a profane use of the words, one would be tempted to say to them, "It is an abomination, even your most solemn meeting." And yet these people give themselves a great many airs about the conduct of governments; and conglomerate together, and spout and stamp on the floor, and raise dust as dark as their speeches—all admonishing the monarch, the minister, or the senate, as it may be, to be just and equitable, and eschew all corruption, while each of themselves is busily working inwardly as to how he may most secretly, surely, and profitably accomplish his own corrupt job, in the corporation, the company, or the ward. That there have been jobs on the part of some of those under the government, I do not altogether deny, though I am very much inclined to think, that their number and extent have been greatly exaggerated; and that they have taken place much lower down in the scale than some have supposed; but of this I am morally certain, that there is more paltry and corrupt jobbing, not done by stealth and at intervals, but habitually, in the established and unvarying corporation practice within the city of London, than ever was done by the most perverted administration during those times to which we always look back with a wish that we

could question the likeness of the picture that is left of them.

And it must be—I know it is—even worse in remote places. There, there is not an employment, or a family, or a man, upon whom the corporation does not shed its baneful influence; and if the party who are invested with the corporate authority, for it is always usurped by a party, cannot mould a man to be the tool of their purposes, they set about persecuting him in his profession, his character, and his peace. To hide their own deeds from the eyes of the public and the government (and if there were a Treasury motion for a committee to inquire into the administration of all the corporation revenues of the united kingdom, you would see what panic and trepidation it would produce)—to hide their deeds from these, they put on a semblance of most excessive and outrageous loyalty; as if men, whose constant study and business it was to batten at the expense of the people, could be loyal to the king. This loyalty they set forth in a manner truly characteristic: by dining and drinking toasts, at the expense of the public; by getting up addresses, at the expense of the public; and, in times of disturbance, by getting appointments for which they are not qualified, and being paid at the expense of the public. I, my Lord, once saw a



mayor, who was at the same time a colonel, ringing the bell during the collecting of a mob, which afterwards attacked the premises and destroyed the property of some persons who were not on a friendly understanding with the corporation. I am sick of the details, however ; and the general result is, that, in comparison with the spirit of the present times, corporations are bad in principle and base in practice.

And yet they have sometimes had, if they have not now, the cunning, or something else, to make the senate legislate not very wisely. There are alterations and what they call improvements, and a number of things that may be done, and withal right profitably done, for the projectors, so that an act of Parliament can only be obtained. The number of persons immediately interested against the project is often not great ; they are not very able to make an opposition, and know not very well how to do it ; and they know that the corporation has a double advantage ; that it can annoy and persecute them in their private capacity, and fight them in public with their own funds ; and, therefore, unless in very glaring instances, the people growl a little, and then sit down under the imposition, a part of the blame of which falls upon the Parliament that passed the bill. Thus, while these unladen ghosts of an-

tiquated barbarity do the mischief to the people, no small share of the odium which the people must feel, and would be less than men if they did not feel, falls upon the senate and the government. Those who have the means of knowing any thing about the senate or the government, are well aware that these would be heartily ashamed of such associates; associates that would do them harm, but never could, by any possibility, do good; but the people in remote places do not see that. They are misled by the noisy loyalty of the corporation, and by the fact that the corporation men are, as they say, "Parliament-makers;" and really one must not very much blame them on account of their ignorance and mistake, for it requires a good deal of evidence before plain folks can be taught to believe that the thing made can be better than the maker of it. A few years ago a plot was detected and exposed in the House of Commons, the object of which was to enable a corporation somewhere in the north to pocket for themselves, and not their successors in office, but their personal heirs, the whole proceeds of a very large and important public work, while the burden of keeping the work in repair was to be thrown upon the public. They got a lesson from the House, no doubt, which made them be hooted at all the way down the country; but if they had

the hardihood to attempt so very glaring a job so very lately, one can hardly avoid coming to the conclusion that they have accomplished worse ones before, and that they are a set of persons who, without any regard to the good of the public, and with very little to common decency (for by their numbers they keep one another in face), lie constantly on the watch to take advantage of every thing that may arise, and turn it to their individual profit.

PRIVATE ACTS, or, perhaps, I should say, *local* acts, are, while I am upon this part of the subject, matters that would not be the worse for a little examination. One of those acts is always, indeed, *prima facie*, a wrong, because it asks something for individuals which they are not entitled to by the general law of the country. It is, indeed, incumbent upon those asking for it to prove the preamble the "whereas," before Parliament; but when a powerful body want to carry any thing, there are always methods of finding witnesses. The committees up stairs are a great deal better now, but there are said to have been sad doings in these places at one time—long, long ago, of course, though not quite so long as to be wholly forgotten. The public cannot be too thankful for the improvement; but still, though I do not know that it is a matter for

the government to undertake, "A history of private and local bills, with the schemes in which they originated, the means by which they were carried through, and the effects which they have produced to the parties obtaining them, the parties who had an opposite interest, and the public generally," would be an exceedingly curious, and by no means an uninteresting document. It would, in all probability, disclose rocks and banks in the channel of legislation, which neither the government nor the people are aware of. As, however, it is an evil, the extent of which is always set down in print, and as it is curing, at all events, if it be not cured, circumspection, rather than formal examination and positive change, is all that it requires.

PARISH ESTABLISHMENTS are matters that call for much more immediate and minute examination; and, next to the corporations, if they do not even exceed them, they contain more corruption and misrule than probably any of the popular institutions in the kingdom. It is true that the poor and the destitute are among the objects upon which the effects of their misconduct fall; but that, my Lord, instead of being an argument against subjecting them to the scrutiny of the public, is one of the most powerful inducements toward it that could be imagined.

Where can the hand of power be more nobly stretched out than in the cause of the powerless? where can the refreshing dew of government-mercy fall so much in accordance with the dew of heaven as upon those places which otherwise are withered and dry? Good, my Lord; let it never be said of us that we neglected any portion of our people, because they were too lowly, or even too lost. We need not visit them after they have sunk through misery into the watch-house, or, through crime, into the gaol; but possibly we can do better—we can prevent them from going there; or, if we cannot, we can direct those who look after them to be as useful and as mild as the case will admit.

It is not my intention to enter very largely into this matter; both because it is in itself rather an unpleasant one, and because all the space that I could with propriety devote to it would contain but a very small portion of the details. The grand objection to it lies in the same quarter as that which may be brought against all delegated power throughout the country, that is, delegated to persons not immediately answerable to government for their conduct or their situations, and removable by it from these at its pleasure. They are private individuals, with all their private views, feelings,

and interests fresh and foremost upon them, charged with the performance of public duties that are quite incompatible with the exercise of their private feelings. Like those of the corporation-men, the duties of parish officers are generally, if not always, gratuitous, the men are generally persons of that class who have little perception, and no feeling of any value but money value; the whole object and bent of their lives is gain; and, therefore, it is not easy to find, or even fancy, any object other than the hopes of gain, that can induce them to undertake the duties of parish offices.

But men of their class in society are just the very men that one who knows any thing about society would suppose to avoid all offices, and every trouble for which they were not to be paid. Yet such men not only do not avoid these offices, though, upon the most natural theory, and their habitual practice, they would avoid, if the duties were actually gratuitous; but they seek for them with avidity, and canvass, and form parties, and spend money, in order to obtain them. These, alone, would be pretty strong proofs that there really is something more than the empty name of office, which, in such an office, is no name worth having, at least for any honour that is in it, or follows it, for it right often brings

sors who affix the amount, may have their favourites, their connexions, and those who employ them in their capacity of tradesmen; and a preference on the one side must, almost as a matter of course, produce a preference on the other in return. To watch them is everybody's business; and no saying is more true than that business of that kind is done by nobody. Men will rather submit to a little injustice than leave their employment; and the individual proceeds in those cases are so small, that any man in respectable employment—and no other could make the attempt with even a chance of success—could get redress without losing by it. Then, again, the collector can show favour; and by an understanding and collusion with the assessor, very great frauds may be committed, and have, in fact, been committed in very large and populous parishes. Two sets of books have been kept both for the parochial and the public collections; and a case has been mentioned to me as actually detected, where the discrepancy was more than one thousand pounds a-year for a single parish, and it had been carried on for a number of years. A single case of this kind, my Lord, is surely enough upon which to ground an investigation—not a mere examination of the parties, for those

who could do these things are not worthy of being believed; but an actual comparison of the documents with the facts.

In the disbursement of the money, there is also very ample scope for injustice. Work is done, not because it is absolutely necessary, but in order that one party may get the employment, and more than one share in the profits. There is no knowing whether the sums alleged to be paid to our paupers, be actually paid; and in very many places, the workhouse is a place fertile in jobs. Even vices are not without their value to parish officers: illegitimate children threaten to make their appearance in cases where such an addition would tend to a schism among the rest of the family; and that is a matter which, if properly encouraged, a parish officer can conceal. The farming of the poor—that is, a species of collusion by means of which those who want labourers only at certain seasons, can have them from the parish or workhouse at half-price, throw them back upon the parish when they cease to be needed, and get those who employ no labourers to contribute to their support all the year round—is by no means an uncommon practice, and it may be made a very profitable one to parish officers. Of course it is the interest of those officers that the rate should be high, because that



widens the field in which they are to glean their profits ; and as a pretext for the high rate, and a cover to the profits, they are anxious to increase the number of paupers ; while, as persons who act deceitfully in private are always remarkable for public demonstrations to the contrary, they are very zealous about processes for the removal of paupers, and all other demonstrations of activity by which they can augment the expense. When the business is extensive, indeed, they have an associate attorney, who keeps what they do legally safe, and shares in the profits of it.

Such, my Lord, are the effects, almost the natural and necessary effects, of a system which is very general over England ; and in which the comforts of all the people, and the moral as well as the civil condition of the poor, is very deeply interested ; and the whole is probably the result of mere ignorance on the part of those with whom the system originated. It was no doubt the intention that those matters should be under the direction of the people, in order that these might be free from all chance of tyranny or oppression from persons under the government. But while they attended to that, they overlooked another and a more important matter. They legislated upon the accident, and paid no attention to the certainty. They did not bear in mind that tyran-

nical conduct is no more necessary in a government officer, than theft or any other breach of the law is in a private individual—that it only attaches to a bad officer under a bad government—a presumption which was not over complimentary, either to themselves or their successors. But they never considered whether the duty which they had delegated to the public was one that the public could perform; or whether, in virtue of the common and habitual principle upon which the people act, the office would not always be got hold of by a party, and managed by that party for their own private interest, and to the injury of that very public, to which, for its special benefit, the power of filling the office was conveyed.

This is only one of the many instances in which injury has resulted to the people of England, by the placing of matters under their management which they cannot by possibility manage, and the managing of which is the proper province and use of a government. So that the parish business as well as many other matters are but parts of a very important general investigation—drawing a line between what can be best done by the government, and what best by the people. If that were once clearly and accurately done, and if after that each would confine

itself strictly to its own department, both would be very much relieved and very much benefited. I have in a former chapter hinted at the principle upon which such a distinction should be founded, and it appears to me to be so clear and specific as not to need any further illustration. The fear in England appears to have been that government should have the power of doing too much—a fear which is very ill-founded, or rather ill-judged. Neither government nor people can do too much of that which is their proper duty, though it is very easy for either to do too little. The proper watchfulness of the people should be to prevent the government from doing that which it is not its province to do; and there is an equally valuable watchfulness on the part of government to prevent the people from attempting that which is not their province. The people should take care that governing is not conducted for private gain, like a trade, and the government should keep all general governing out of the hands of the people, from the certainty that it would go immediately into the hands of a party who would be sure to make a trade of it.

THE PUBLIC ROADS, or, as they are sometimes called, and the name points out who should have the charge of them, “the KING’s highways” are another subject that would demand the most

grave consideration ; and the consideration ought to be, not when the thing can be made better, both in line and in formation, than they in general are at present—for that must be at once admitted by every body that knows any thing about the engineering or forming of a road—but as to whether they should remain under the control and direction of the present “*Trust Highwaymen*.” Perhaps this should have been a matter to be discussed when I was noticing local acts of Parliament—the acts for roads being by far the least questionable of those ; but I thought the matter important enough to be worthy of a separate paragraph.

Now, upon the general principle, my Lord, I am inclined to think that the highways of the country are as much a general matter as the army, the navy, or any thing that is or can be under the direction and superintendence of the government ; and I am not sure that there are many matters in which private interests will operate more than in the entrusting of them to local trustees—more especially to the owners of the lands through which the road passes. That these parties should know the locality best, I will allow ; and I will allow that it is also their interest that there should be a road, and a good road there, because nothing is better calculated than a good

road to improve the lands through which it passes ; but their interest goes a little farther than that, and in that little the danger lies that the road shall not be the very best one for the public. When the road is merely a cross one, made out of the common road money, and of advantage only to the district, perhaps it should be wholly under the management of the proprietors, as a private appendage to their lands ; and yet in that case there is no absolute security against abuse ; for I have seen the whole of the money year after year swallowed up in making a private road through an influential proprietor's park, and leading only to his own mansion, while the public road was so neglected that the carriages of the farmers, even of the farmers upon that proprietor's own estate, had their wheels up to the naves in ruts in summer, and in mire in winter.

But when the road is a great public thoroughfare, connecting market-towns and distant places of the country, I have great doubt whether it can be safe under the trusteeship of the local owners of the land. A man, through whose estate the road passes, has always a particular line for that road which he prefers, not for the general advantage and accommodation of the public, but for accommodation to his own estate. He does not like the road to come near his

house, to pass through a favourite coppice or preserve; and he wishes it to lead through the village to the mill, or to the house which he fancies that he could let at a higher rent by licensing it as an inn. These, and a variety of other little circumstances, influence him; and in his eagerness to have them attended to, the more important considerations that make the road most valuable to the public, whose property it should be, and whose interests ought first and chiefly to be attended to in the making of it, are in the greatest danger of being lost sight of. Then he must carry all his favourite directions and schemes by speaking fairly, that is, flatteringly, to his brother trustees. And how is he to accomplish that? The accomplishment of that involves an extension of the evil among all those that have lands upon the line. In order to get them to consent to let him crook the road to his interests and fancies, he must allow them to crook it to theirs—and thus, every trustee's fancy and job is attended to; and they forget, in their eagerness to carry these into effect, that the people have any thing to do in the matter at all. Another thing, the proprietors of the land through which the road passes, will in general have a partiality for the old line, whether that line be the best or not; as all the road-side accommoda-

tions are already erected and in exercise; and therefore they have the full advantage of a roadside proprietorship without any additional cost; and the proprietors of land are not necessarily the class of persons either the ablest or the most disposed to incur that. These are some of the reasons why it is worthy of consideration, whether the present system of highways and trust highwaymen should be continued.

There are others, however; and one of the most important of them is, whether with our Solomons of the thoroughfare, broken down into little detached trusts, as they are at present, we shall ever acquire so much information either in the theory or the practice of road-making as to enable us to determine what is the best road that we can have over any given soil, or in any given situation, or how we are to get it. At all events, my Lord, we are at present marvellously lame in the theory and equally deficient in the practice. The trustees, though there are some hundreds of squads of them up and down the country, have never, in as far as I have heard, made the first and most elementary inquiry in the science of road-making; they have never made the smallest experiment to ascertain the difference of power necessary to draw a heavy and a light, a fast and slow carriage over slopes; and thus they are not

able to tell us what line of road, whether over the hill or round its base, be upon the whole, the most advantageous; and yet, my Lord, anybody but themselves would have thought that they would have settled that point before they had allowed a line to be staked out, or a mattock to be lifted.

Nor are they any better with regard to the practice—the way in which, after the line has been determined upon, the road ought to be constructed. They are in that matter mere votaries of fashion. A person of the name of Mac Adam observed that, in the hilly parts of the north of England, the north of Ireland, and of Scotland, where there is a hard bottom, the practice was to form the surface of the road of stones broken into small fragments; and that as these were laid upon rock, or some very hard substratum, the roads were firm and durable. Well, the observer thought that he could do with the broken stones as Lord Peter (of course your Lordship has read Swift's Tale of a Tub, if not, it is not the very worst book in the world for a statesman to glance at), did with the brown loaf. The loaf answered well as a loaf; but Lord Peter would needs make beef and mutton, and custard of it. Just in the same manner the small stones in road-making: they answered remarkably well in the places where they had



been in use for centuries, that is, upon the hard substratum; but when the substratum was soft, the recipe for making a road was very like that for making a plum-pudding, with this disadvantage, that the sun in this climate could never boil or bake it into any thing like the requisite consistency. No matter; that was the fashionable, and for that reason, the favourite plan, and it made the roads better or worse according to circumstances. It therefore strikes me, my Lord, that the trustees have shown a great want of knowledge, as well as of the desire of obtaining knowledge, both in the science and the art of road-making.

This obvious want of knowledge of the subject, and also a pretty apparent want of the wish of obtaining it, together with the biassing circumstances that have been noticed, render it very doubtful whether the committing of so very important a public matter as that of the highways of the country to these local trustees, be either the very wisest or the very best method of disposing of the subject. The doubt, too, is increased when one looks at the Holyhead-road, which, I believe, is under the management of a Parliamentary committee. More science and knowledge of the subject, and a more total absence of any thing like local interest, are certainly

displayed upon that road than upon any other line that I have seen in the kingdom. I hope that is an experiment made with a view to ascertain whether better roads could not be obtained under similar, or even more extended management, than under the trusts.

But besides the consideration, whether any public accommodation be the best, there is another, which is of equal importance, namely, whether it be the cheapest, and there are very many inducements to an inquiry into that in the matter of the trusts. There are many items of costs incurred under it, which might surely be saved by a more general system. Every trust has its bills in Parliament, which cost a good deal of money; each trust has its clerk and its meetings, which also consume a good deal; and each trust has its surveyor at a considerable salary for a very few miles of road. Among all these, it is not an overstraining of the matter to say, that in costs, and fees, and salaries, for the payment of which the road is not one jot the better, there is as much expense incurred as, if the road were properly made, would keep it in a constant state of repair. Then there is the expense of collecting; and, take it in any way, a vast expense it must be. If the trustees keep the tolls in their own hands, they must have a double set of officers at each

gate; one to see that the other does not embezzle the money that he collects; and in order that they may not combine for that purpose, the man that watches the keeper of the gate must be so well paid as to be above the temptation of any bribe that that keeper could tempt him with. If, on the other hand, the tolls are let to a tacksman, that tacksman must have his profit, over and above paying his keepers; and he and they will of necessity endeavour to make the sum that they raise as great as ever they can. Hence arise the impositions upon the ignorant, the brow-beating of the defenceless, and all the disgusting scenes that are exhibited at a toll-gate, together with the loss of time and the outrage of decency and morals. All the expense of the collection, the profits of the tacksmen, and the overcharges that are imposed upon the ignorant, though they add very much to the cost of travelling upon those roads, certainly do not increase the comfort. With the present system they are perhaps unavoidable—at least we find them regular concomitants; but as they have no connexion with the goodness or the badness of the roads, they are useful in no other way than as they augment the sums that must be levied upon the people; and in as far as they do this they are not merely a burden and hardship, but they are so without mak-

ing any return to the public. What with one of these circumstances, what with another, the care of the highways, in the acts, clerks, surveyors, and other matters in the first instance, and in the collection again, they certainly cost far more in proportion, and nearly as much altogether, as the public revenue.

Now, my Lord, that is an useless expense; and, therefore, an expense which it is very desirable to get rid of. Nor does it appear to me that the accomplishment of that would be a very difficult matter, or in any way lessen the accommodation of the public. It could be collected along with the rest of the public revenue, and would not increase the expense of that a single shilling. "What! the government collect pence at ten thousand turnpike gates, at the rate of one hundred pounds a year per gate, and yet not incur any additional expense!" No, not collect one penny at a single gate; but knock them all down, and make the highways of England as free to the people as the atmosphere. The present mode is not equitable. The pedestrian derives an advantage from the road, as well as the rider and the driver; but he pays nothing for it: and if those who immediately use a public accommodation are to pay for it, that payment should be equitable. Those who ride ought not to be

made to pay for those who walk, or else there should, in equity, be endless distinctions among the riders—one rate for a farmer, a second for a squire, a third for a baron, and so on.

But roads are public, my Lord ; at least, they should be the property of the public as much as any thing possibly can be ; and, for that reason, they should be paid out of the common revenue of the country. When the king drives up from Windsor to hold a drawing-room at St. James's, the makers of dresses and gew-gaws in London are the persons that make the profit ; and, therefore, they, in equity, should pay the tolls. It is just the same when a waggon load of goods, or any thing else, passes along the road ; those for whose benefit it passes must and do pay the cost. The people generally do, therefore, in the ultimate instance, pay the sums collected at those gates ; and the more hands that the payment comes through, it is ultimately the heavier, because each adds to it the wages of his labour, together with a fee for his trouble, and a profit upon both. It is evident that the sums that are collected upon the roads ultimately, therefore, fall upon precisely the same parties that would pay them, if they were a part of the general taxes of the country ; and the only difference is that, in consequence of the scattered way in

which they are collected, and the number of parties through whose hands they have to pass, they are doubled—nay, more probably, made ten times greater before they reach the parties by whom they are ultimately paid.

Now, why not make those parties pay in the first instance, and save all the idle men, and idle expense? I can see no reasons, but those that are not very reputable. The local gentry would lose the consequence which their trusteeship gives them; and, which would be much more severely felt, they would lose their private accommodations and their jobs. If you were to attempt to make the whole of the public burdens fall directly upon those who reaped the benefit in the first instance, you would have ten times more labour in adjusting the laws than in the whole public business put together. Gauging the capacities of private persons for snuff, and wine, and tea, and all sorts of taxable commodities, would be labour without end, and productive of more jobbing and corruption than one can well imagine; and, therefore, generally, it is not done, and in the particular cases in which an approximation to it is attempted, the revenue is always the most galling and the least productive. The rule with regard to revenue is the very same as with regard to every thing else. Get it,

in the first instance, where it can be got at the least expense, and let it fall ultimately where it may; and we know where that must be—upon that which alone can pay it—the productive industry of the people. The man who is breaking stones on the road pays a part of the tax upon the peer's coach at passing the gate; but if you were to attempt to collect it directly from him, the amount would be so small that it would not half pay the collector. The collection at the toll gates is not quite so bad as that, but still it is among the most expensive of the ordinary methods; and out of the public revenue, and under a general public management, we might have much better roads for half the cost of the present ones.

But besides the mischief that ensues to the public, by delegating public matters to persons who, like those trustees, do not understand them, and, therefore, do them in an improper, bungling, and expensive manner, there is an injury done to the parties themselves. That saying of Nelson's is not a bad general one—"England expects every man to do his duty," meaning thereby that he should do that which belongs to his own station and nothing more—that a man's duty should be his regular business, that upon which he sets his whole heart and mind, and which is to bring

him the whole of his honour and reward; and that duty is to be, in no instance, supplementary, or mere bye-play. Now the duties of these trustees, and of all other men that do public business, is to attend to their own affairs—to look after their estates, and see that neither themselves nor their tenants are injured by factors and stewards. One day's neglect of that would do ten times more harm than the attendance of the proprietor at a trustee board, even conceding that that were useful, would do good in a month; and, therefore, as the attendance at the one place is an evil, as well as the absence from the other, the system makes matters directly worse. It is by giving the whole and undivided attention of their minds to their proper business—to that by which they make their livings, that this country has risen to the condition in which we find it; and it is by that alone that it can be made better, or even kept as it is. It matters little whether that business be the care of a fortune to which a man has been born, or daily toil for the most common necessities of life. The man of property who neglects his estate is just as much deserving of being put in the stocks or sent to hard labour as a vagabond, as the labourer who will not work. Indeed, he is deserving of a much more severe chastisement, inasmuch as his



idleness and misconduct are a much greater loss to the public; and were I overseer, and found a single squire meddling with any thing else, while one inch of his estate were susceptible of improvement, I would whip the truant soundly.

They talk about agricultural distress, my Lord, and well so they may; for how can it but be in a state of derangement, and consequently of distress, when the men who ought to be the very soul of agriculture are neglecting it, and running about doing all sorts of things that have no connexion with it? The man who, by his council or his example, or both, ought to be putting life and animation into a hundred farmers, and who would wonderfully benefit both himself and his country by so doing, throws all the advantage away in order to haggle about whether the highway should run through this quagmire or through that, or whether horses can have their wind broken most advantageously upon his own hill or upon his neighbour's.

If people followed the same plan all over society, my Lord, there would soon be an end of all greatness and of all comfort. If your Lordship and your officers had turned road-makers, or administrators of the game laws in Spain, and few countries have more need of road-making, the shortest road out of that country would soon

have been the safest—the only practicable one—if even it had been left so. If the merchants and manufacturers were to follow the example of the landowners, there would soon be very little revenue from the customs or the excise. If your Lordship were to do nothing but yawn and lounge, and attend the club and the opera, and chatter to women at one place, and to men yet more garrulous than any women at another, before the year were out, Downing-street might be let for a potato garden.

But, my Lord, it would be a strange anomaly if, while all other persons in the country, from the first minister of the king to the humblest day-labourer, must make their business their first, their chief, and their constant attention—must attend to it late and early, never have it a moment out of their minds, watch all contingencies, and find how they bear upon it, and watch the very winds to catch them advantageously; it would be passing strange, I say, my Lord, if all other persons, private or official, were obliged to do this, and were great and prosperous only in proportion to the care and constancy with which they do it; and yet if the landowner, who, if we would believe him, would persuade us that he is the only useful man in the country, should have nothing to do in his proper capacity

but doze, and drive about with and after wild beasts.

If they have nothing to do but that, you must agree with me, my Lord, that they are of all mankind the most useless—a race that might be all swept off the face of the earth to-morrow, and no person or thing feel the loss. This, it must be admitted, is but a sorry estimate of persons who stand so high in everybody's estimation; but it is the estimate that they virtually make of themselves—not the true one, we should hope, indeed we know—but still a very legitimate deduction from their own conduct. We do now and then catch a glimpse at the demonstration of its falsehood; and nothing can be more delightful or satisfactory than such glimpses, when we do get them. We occasionally see a proprietor devoting his whole mind and attention to his estate—planting, ploughing, sowing, and ornamenting, till the whole place be a paradise, and as rich as it is beautiful: and the people under him and about him, catch fire and emulation, all is successful improvement; and Mr. Agricultural Distress sneaks off, and never shows his face there again while the system lasts.

Now, I want to know why that is not universal. The same sun shines, and the same wind beats upon the wise man and the fool. Nor is it

owing to any natural advantages in the places that are thus rendered at once beautiful and productive. Quite the reverse: some of the most remarkable, beautiful, and profitable improvements of the land that I have ever witnessed, have been in districts naturally very bleak, and upon soils very barren, as if industry took a pleasure in the overcoming of obstacles.

“Aye, but the expence of improving land, who can bear that?” Dreams and nonsense! What is the expense of turning over a sod with a spade, and putting a potato under it? One month’s work to some poor fellow, whom the want of some such system has sent seeking from door to door, or to rot in the parish workhouse; and yet this same simple observation will find the man and his family a dinner. So far from the improvement of land being a costly matter, it is the cheapest of all improvements, and the one that brings the most speedy and certain return. The powers of nature work with the farmer, my Lord: the sun, the wind, the rain, and the snow, are his ministers; and the very plants that he rears add a portion to the soil; and if man do not turn them to the proper account, the fault is his own.

If no profit result, or if large and immediate profits do not result, there may be an alteration,

but assuredly there is no improvement ; there is a waste and spoiling. I regret to say that we have many more instances of this than of the other and better. And how could the case have been otherwise ? There has been a lamentable want of the march of intellect among the Clays ; and if they had been studying soils and compacts and the weather, and the nature of useful plants and animals, the situations best adapted for them, and the cheapest and most successful modes of rearing them, while they have been thumbing a turnpike act, fumbling over Burn's Justice, or delving at the game laws, we should not have heard so much about agricultural distress. They have very frequently begun at the wrong end of the matter : done first, and then learned ; and the consolatory lesson has of course been, that what they had done was very foolish.

You have done a little in the way of farming, my Lord ; but I dare say you never thought of growing pine apples in the closes of Strathfield-say, in the same way that your neighbours were growing carrots and ruta бага. And why not ? Simply because there was not temperature enough to ripen them. Men may make improvements, but they cannot alter the laws and course of nature. They cannot bring India into England. As little can they have the vale of Glo'ster on

the Grampians, or the roses of Dorset at Cape Rath. They can make nature do a great deal more than it otherwise would do ; but they cannot make it act contrary to itself. They may regulate, but even in regulating they must follow.

That servile, that contemptible love of imitation, which runs through all the institutions and habits of those whom I may designate the *fixture* people of this country, and which is a poison and a curse every where, has shed its baneful influence largely here. In society we do not wish to be what we are best fitted for ; we wish to be what some other man is ; and we very often go about, not in the most becoming way, to pull him down, if we can, and get his place. Just so, in a very remarkable manner, in the alterations of land. They have not thought of what would be profitable, or even possible, they have seen what somebody else had, and attempted that ; and as the attempt has been often, I may safely say in the majority of cases, made without any previous information, as to whether it would succeed or not, the fact has been, that in all these cases it has failed. There has thus been more thrown away in ignorance in attempting to accomplish that for which the situation and climate were not fit, than if skilfully laid out might have added a

fourth, and probably a half to the disposable produce of the country.

It is true that we have agricultural societies, and treatises upon the breeding of pigs, and we have the people (as in the noted case of the florin) grubbing up a plant as one of the most noxious weeds at one time, and sending it in country members' franks from one end of the country to another at another time ; and we have show oxen and pigs, and turnips ; and if the pigs be " wise," and the oxen have two heads or five legs, they make all the better show. That, my Lord, is not just what we want. Though one ox were as big as the dome of St. Pauls, it would only be a great beast after all ; and though a turnip should be grown to the size of the " what-d'ye-call-it?" on the top of Buckingham palace, it would still be nothing but a turnip, and most likely a very fungous and ill-tasted one. What we want is, that every man's ox should be worth looking at ; that every man's turnip crop should be good ; that all should have plenty of these and the other products of the field, and that they could be sold cheap. Ours, my Lord, was once one of the countries that supplied the south of Europe in bread ; why is it not one of them still ?

" Our manufacturers have become so nume-

rous, and they are such eaters." No. The agriculture has not been improved with the same science, industry, and perseverance as the manufactures; and the natural advantages of agriculture, which should have kept it forward, have had greatly the blame of its lagging behind. The landlords, lords of the soil and the weather, and of these only, would have it that these were all. They encouraged nothing else, and they did not heed even these; and the natural consequence has been, that talent and activity have run into channels where there was more encouragement for them; and the agriculture, neglected by the landowners, and avoided by other people, has fallen behind.

Well may the agriculturists be distressed under such a system of ignorance and neglect, and justly may the operative farmers complain that they and their profession have been deprived of the example and encouragement of those who ought to have been at once their patterns and their guides. But when the landowners themselves complain, and they are generally the loudest and have the best opportunity, they deserve any thing but pity; and as for relief, that is out of the question, until some means be devised for relieving men from their own folly. If they make any bawling to you, my Lord, tell them boldly and at once—



"It is your own fault. If you had attended to your estates they would have attended to you; but you have neglected them, and you deserve to be neglected. Go learn, and thence do your own duty; and then you will be in a condition for relieving yourselves, and not be degraded to the condition of beggars."

These, my Lord, are the terms in which to address them, or even more harsh than these; the very harshest terms that it may be consistent with the dignity of your character and office to use. Too harsh for them they cannot be, for they have been sad spendthrifts. They have had committed to them the most important trust in the country, and they have neglected it. They have had charge and control of the land that used to feed us all, and leave something over, and they have so neglected it, that it is not now enough. Except during the sittings of Parliament (and a good many of them might be spared, without much loss there), these persons really have no business to be in town, except for a holiday or two in the dull season, when there is nothing doing in the country.

Many men, who are otherwise very actively and very usefully employed, have estates in land; but these are not the persons with whom I find fault. They are in fact the great improvers; when:

ever they have a few days of leisure, away they whisk down to their estates, and give their servants and farmers a rousing; and as they are acquainted with the management both of business and of men, they do as much good in a week as the others could in a century. If it had not been that a good deal of the land has got into the hands of persons of that description, matters would have been much worse than they are; and whole parishes would have been wildernesses of furze and pheasants. Business-men do not need any schooling; but of the mere proprietors, those who literally do nothing but consume rent, the whole ought to live upon their estates, or if they are too fine for that, they ought to sell the estate to somebody that would live upon it, and take care of it. Whenever I found any of them yawning about the lounges, or staring at a print-shop, or doing any thing else that shows a man to be idle both in body and mind, I would apply the whip to them; and bundle them off to their duty. All pretexts to leave their own proper business should be taken away from them, both for their own sakes and that of the public; and they should not be suffered to wander about idle.

Once force them to take the management of their own concerns, and fag away till they learned to manage them, and you would soon see the

same change in the agricultural community as talents and active superintendence have effected in the other parts of it. The owners of the land have the same number of heads and hands as other people, and they are generally fine brawny fellows, and good fellows at heart, too, in the main. Thus they have all the natural endowments that should make them a blessing and a boast to the country; and if they would only attend to their own affairs, they would very soon become so. Five short years might so change matters, that instead of their bawling against the importation of corn, we should have, as we used to have, foolish people on the other side bawling at its exportation; and the produce of our fields making a full third, with that of our mines and manufactures, in causing every breeze to waft the wealth of the world to our shores. This *would* be a march of intellect, my Lord: these are our heavy troops, and if we could but put them in motion, their charge would be invincible. They *must*, however, *get rid of the tithes*.

THE QUORUM is another burden that I would take off their shoulders, partly because they do not always carry it very gracefully, but chiefly to have their attention undivided. One great objection to the Quorum is, that the members thereof, in their capacity of justices,

have a very large portion of discretionary power, while, as I have said, and as any body may see, the class of persons out of which the greater number of their worships are taken, are not discreet enough for managing their own estates properly. Now the duties which the justices of the peace are often called upon to perform, are of a more nice and delicate nature than those that come before the Lords Justices of Assize; and one of Mr. Secretary Peel's late acts has made a gap in the statute book, through which an inbreak of additional power has rushed upon their worships; so that the office of justice of the peace ought not to be one which can be filled by anybody, other than a practising attorney, who has a clear hundred a-year.

The office is really of so very nice a nature, that it would require to be filled by some one who had studied both law and human society with very great attention; and who could devote the whole of his time and talents to it; and have both his profit and his honour in the performance of his duty. When a case comes before a judge, it is comparatively clear and simple, a matter of law and of fact; and though both of these may be a little cloudy, there are precedents, which are very convenient things for saving a man when he makes a blunder. But the question

before the justice is often a fearful question for the party—no less a matter than whether his character shall or shall not be blasted for life; and it is decided in a corner, as it were, without any of that solemnity which attends a court of justice. The justice hears the local gossip too, and can hardly escape being, to some extent, affected by the local prejudices. The people are also too familiar with him. They haply know the frailties of his youth, or something that may affect that esteem that always should go forth in favour of every thing in the shape of a judge. But the justice has, furthermore, an interest of his own in the district; and if that interest should happen to lie in the way of the current of equity, the people will think that there may be a little bending; and really a man's interest is so habitually an active principle, that it is extremely difficult for himself to avoid the merely mechanical intrusion of it, more especially when he is doing a gratuitous duty, for which, instead of the usual benediction to the charitable, he is rewarded by growling and discontent. In such an office, a man must always feel as if he were upon thorns; and the situation appears to be so painful, and calculated to consume so much of a man's time, that really one wonders why any body can be found to fill it. And people cast about for per-

sonal inducements to the undertaking of an office, the effects of which upon the conscience are so fearful, and which occupies so much time without any return ; and though they do not make any very decided discovery, the very suspicion throws an unpleasant gloom over the office. Nor is this opinion at all an innovation of modern times ; for the justices have been a stock subject with the satirists of all ages ; perhaps in some cases, because the said satirists felt that, if they should fall into the hands of the justices, they would merit a little severity. But still there must have been some foundation for it ; and, therefore, it is at least as singular as wise, that the powers and duties of the order should, of late years, have been so much augmented.

It were really very much to be wished, that persons who have local interests, and other duties to perform—especially duties so important as those of proprietors of estates and parish clergymen—should be absolved from those offices ; and that the duty should devolve upon others, who should be wholly the servants of the public, and paid for their service. Men never continue doing arduous duties without being paid ; and, therefore, the payment should always be given openly. That is always the cheapest course ; and it is the

only safe one. There is much wanted to be known, however, before any opinion can be formed as to what would be the most advisable substitute; though among those who reflect upon the matter, and have nothing but the welfare of the public to influence their reflections, there cannot be two opinions as to the necessity of a change; as well for the sake of their worships themselves, as of those who come before them.

It would be very easy to adduce proofs of the necessity of this change out of many parts of the details—such as the game-laws, the licensing-laws, and the management of the poor. But I have no room for these; and my object is not so much to go into details as to show that there is one sound general principle that applies to every man and every occupation, public or private in the country. That whatever tends to the direct and practical increase of wealth, being the application of human skill and industry to some material or other, can be but done by people in their own way—and that therefore it would be both idle and injurious for the government, or any power or party claiming to be a portion of the government, to meddle in any way with that. But that every thing which concerns the whole people as matter of regulation belongs to the

government, and cannot be well or safely directed but by that. These two are, in all cases in which they can come into contact, opposed to each other; and therefore the union of them in the same person is erroneous in principle, and always has been, and always must be, pernicious in practice. This is the first and most important division of labour; and a very large share of the annoyances and absurdities that we meet with in the domestic institutions and arrangements of England have arisen from ignorance of this distinction, or want of attention to it. If it is possible that men could in any age embody such a maxim in words, the maxim seems to have been—"To promote the greatest good of the whole, the most certain and efficacious way is, for every man to neglect his own affairs and attend to those of his neighbours."

In treating of this subject, or rather of a subject something like this (for if I had found the same treated of any where it would have been superfluous in me to write even a line upon it)—in what is usually called a liberal manner, it has been the practice to attack the division of ranks and the unequal distribution of property and income. Now, my Lord, though I am much less anxious that my opinions, when I do venture to state them,



should be thought liberal by others, than that: they should be perceived to be true upon principles which must be admitted by all parties; yet I have no wish to be classed with the illiberals; and therefore I shall take the liberty of stating in two sentences my reason for not directing your Lordship's attention to those subjects of general complaint and vituperation. I may do it still more briefly, my Lord. I do not attack them for the very same reason why I do not attack the mud when I come to a piece of road more than usually bad. The mud is a passive result, that can no more help being there than it can help not being in places where the system is better; and therefore I blame the carelessness of the Trust, and of those under them. I am aware that there is a very unequal distribution of wealth and income in this country; and I am aware that it would be better for all, even for those who have the accumulated heaps, if the case were different. But that is only a result; and though we should set the law aside and make a division to-night, the accumulation would be again in progress to-morrow. Besides, however wrong it may be in theory, and however injurious in practice, the law is RIGHT, as long as it continues to be the law; and were it even ini-

quity itself, it ought never to be broken—not even, if possible, by the King himself for mercy—the only case in which the law of England can be constitutionally broken. The law should be strictly enforced by the judge, and obeyed by all while it remains in force; and it is because that should be the case that the obligation to keep it always the best that can be is so strong upon the legislature. This is that which alone can secure prompt, full, and cheerful obedience; and the obligation to do it is so strong and so sound that it must sting to the death, and in the death, in every case in which it is wilfully neglected.

Before I close this very long chapter there is one other partial advantage to which I would take the liberty of calling your Lordship's attention; and that is the holders of property in **THE FUNDS**. This is a topic that has some chance of being impressed upon your Lordship's attention from other quarters. The statements for the year show that there has been a falling off in the amount of the revenue; and, with such a debt as ours, it is not desirable that the amount of revenue should be diminished by any thing but a direct reduction of taxes. It seems to me therefore that you may want an additional million,

and you would not be the worse for two. I do not much like the system of Exchequer bills; it looks paltry—as if you could not borrow upon the open credit; and so are obliged to go to the pawnbroker's.

Now the fund-holders have for a long time been enjoying considerable advantages. The capital which they have there has run between forty and fifty per cent. above what they paid for, at least a considerable part of it. This of itself would be a very great favour to them. But they have another one—that property, and it is a very large sum, is exempted from taxes, and why it should be exempted I really do not see. Those who are interested make a good deal of noise about the shame of “breaking faith with the public creditor;” but really I could imagine the state of the country to be such, that it would not only be just, but absolutely necessary, to cut off the public creditor with a shilling—or even to fling him and his bond into the Thames. I do not say that that or any thing like that is necessary at present, or that it will even by possibility become necessary. But a little done now, may spare a great deal hereafter; and I think the incomes from funded property could stand to be taxed to the extent of a million, or

perhaps of two. I would not mind the outcry, my Lord; as the fall in the funds—the lower these are, the better for us all, they will be the more easily bought in—when we are able; and instead of the public creditor being a benefactor to the country, the benefit is all the other way.

## CHAPTER VII.

## LAW AND EQUITY.

I AM not sufficiently conversant with the black-letter part of the subject, my Lord, to know with whom, or upon what occasion, the saying had its origin; but it is very generally said, that in this country we have a double set of courts, in order that the one may soften to us the hardship of the other—that as the courts of common and statute law are presumed to do things that are a little hasty or severe, the more gentle power of Chancery has been set up, in order to suspend the blow, or soften it when it does fall.

Now, though this be a very common saying, it is rather a startling one: if the waggon is in danger of breaking down with one ton, the addition of another would be but a sorry means of preventing it; and if justice be too slow or too expensive in one set of courts, one really cannot

see how the matter is to be amended by the addition of another set that are more slow and expensive still. Yet, such is the kind of relief that is afforded to the people of this country, as is amply proved by their feelings, which, as they are in those cases, feelings of acts, and not of opinions, are evidence of the most conclusive description. People dislike the law, but they have a perfect horror of Chancery, and a man walks into that court in nearly the same state of final despair as one would walk alive into a sepulchre, the doors of which were to be closed, and to exclude from him for ever the light of the sun. That is the feeling of every body, saving those that make their living by the hardship that the court inflicts; and, therefore, without looking at the details, we are bound to regard it as the true one.

But even though it were not, the very saying involves the proof of its own absurdity. If one set of courts were bad—needed correction, they must have been so from one of two causes—the law administered, or the mode of its administration. The first of these could be the case, only because the legislature had not done its duty—because it had made bad laws at first, or because it had not altered them, when, in the course of time, they became so. The admini-

stration, too, could be had only according to law, or in violation of it. If the first, that would have been only more bad law, for a good law involves, in its very nature, that it shall be well administered—a law that has not the power of enforcing its own administration, being, in fact, no law at all; and if the bad administration had been contrary to law, it should have been both punishable and punished as a crime. Thus, whatever may have been the matter with the courts of common law, the means of correction—for even that would most naturally have suggested themselves to parties who had the welfare of the nation at heart—would certainly not have been the establishment of another court, and of a court having a superior jurisdiction, and being, as compared with the courts which it was to control, independent both of statute and legislature. The plan that would have naturally suggested itself to such a person would have been to lop off the reduced ones, and supply the defects of that which already existed, if that had appeared to be the easiest, cheapest, and most useful way; and if it had not, the alternative would have been to make it better, and demolish it entirely.

I mention this case, my Lord, rather than any one which is a mere specific instance of hardship to individuals, because it shows that

the general spirit of law making was not, in this country, and especially in remote times, what it ought to have been—that the foundation has never been any clear, broad, and well-defined principle that all men of common understanding could comprehend and appreciate, but a continual bundling together of expedients, generally in utter ignorance, and very often in apparent indifference as to what might be the effects upon society. Any thing that anybody had said or done appears to have been considered as quite good enough for being a part of the law of England; and, therefore, what with custom, what with statute, and what with precedent and dictum of this judge, and of that judge, there are almost as many points in the law of England as there are on a thicket of furze covering a square mile, and they stand in as many different directions, and cross each other as often. Of so many elements, and those so opposite in their effects, is the law of England composed, that one can with difficulty find or fancy any similitude that will even partially represent it. The nearest, perhaps, is that of a cess-pool, that has been from time immemorial collecting the refuse and soil of various nations, and many generations. Whatever any lawless baron, or foreign invader, or any other person who, by any means, fair or foul,



had got the power of doing, that, in the private intercourse of the people of England, was the very thing to make a law of, which should remain unchanged for and throughout all ages. No matter how ridiculous it may be in itself—no matter though it may be a lone brick of some barbaric babel, of which all the rest has disappeared, it is not the less precious in its nature, or fitted for use, if it can be traced back to the barbarous days of Richard the First. No matter about the purpose or party that introduced it, no matter how confined in its operation, no matter how much it may be at variance with common sense; only let it be but old enough—let it be but something that was in use, among a people who were sufficiently illiterate and barbarous for being fit law-givers for all times, and it becomes immortal. Whatever terms the greatest ruffian that ever exterminated the family and dependants of a neighbour for the purpose of seizing their estate, chose to impose upon those bandit followers among whom he divided it; that was, of course, the very best method for all ages, so that what would be illegal and absurd upon any one manor, is law and propriety upon the next; and a man may have his house so situated, that if it requires to be re-built, he must pay a fine for leave to pull

down the one half, and another fine for leave to build up the other. As to what men may or may not do, the custom may, in some cases, be a good deal more general; but in most cases it is nearly as absurd: and how can it be otherwise? it is not the law, because, upon any principle it *ought* to be the law; it is the law merely because it *has been the custom*.

Now it is hardly possible to imagine any thing more uncertain and unwieldy, and therefore more perplexing and costly in its operation than this, or any thing that a rational man or an enlightened nation—indeed a nation of any sort, would deem less fit for being the foundation of justice, the rule according to which every man in the nation held his property, his liberty, and his life. Even if the several parts of it were wisdom itself—even if no man within the four seas had ever done a foolish or a wicked thing, until after the death of Richard, that would not improve the state of matters, but rather make it worse; because, if men had just began to follow customs that were not fit for being laws in the days or at the death of Richard, it follows, that their perceptions of what custom should and what should not be fit for becoming a law, must have been getting blunter and blunter ever since; and consequently the difficulty and uncertainty, and with that the cost

and vexation, must have been increasing also ; and thus the perplexity must now be so great, that no quantity of technical research and memory can be equal to it. To render the matter still more perplexing and costly, the more that a man has of natural sense and acquired knowledge, the less fitted he is for finding his way in law. That which is a guide and help to him in all other matters, is a stumbling-block there. However much information, and judgment, and invention, may fit a man for understanding the present state of things, or contributing to their improvement, most assuredly they would be of no use whatever in letting him know what had been the custom in the days of Richard ; and therefore, by the very origin of the common law, and without any reference whatever to the substance, that law is taken out of the class of things that address themselves to the mind ; and there is really no alternative but to find some mole to bore into the mud of ages, and receive implicitly whatever he chooses to bring from thence.

But even that is not all : the dictum of a judge, becomes of the same antiquity and value as a custom of the days of Richard ; and possibly, probably, indeed I may say certainly, it may be a great deal better, must be at all events a great deal better adapted to the age in which the learned

person officiates. But just because it must be thus far better, and because he is a learned person, the system is rendered more absurd and more expensive. When it can be traced up to the golden age there is no need for inquiry as to the author, judge or not judge, learned or ignorant, any thing that any body said or did then were a law.

Here, my Lord, the subject assumes an aspect so very perplexing, that one really hardly knows what to say of it. Have the judges an intuitive feeling of what our ancestors would have done any time before the death of Richard? or do they form their opinions upon abstract considerations of right and wrong? Take it either way, and the difficulty is nearly the same. If they have all along had this intuitive knowledge, the question of "how came they by it?" stands urgent for an answer; and if that answer is given, another question arises, as to how any other men—the legislature for instance, of all of whom this intuitive knowledge of the hidden ways of antiquity cannot be predicated in theory, and who, in fact proceed, or pretend to proceed, upon the information that they get by present inquiry and observation, can make their law agree with that of the judges, of the nature of which they are, by hypothesis, quite ignorant? Even if that

should be satisfactorily explained, there is still a greater difficulty; the judges themselves have not always agreed upon some points; and unless we take the opinion that the oldest one is always in the right, we have no means of deciding between them. Even if we explode the intuitive system altogether; and suppose, as one would without looking at the origin of the common law, would suppose that they apply their understandings as men to the case, and thence give their decisions upon the points, the subject appears in an attitude more perplexing still. For if the opinions of judges, founded upon such a foundation, should be law, it is not easy to see why the opinions of other persons should not have the same weight.

The evil is greater even than that. If the judge is to declare what the law is, instead of confining himself to what is the law, that is, how the law which he finds existing, applies to the case before him, then the judges become the makers of the law and not the administrators; and the bench is elevated upon the ruins of the senate-house. During times like the present, such a system, although not very seemingly certainly, would probably not be very dangerous. But unfortunately we are so much a people of precedent, that if we should once admit it as a

practice, even in times when harmless, we would thereby cut ourselves off from the possibility of getting rid of it, even when times might render it far less safe.

But these, though they make inconsistency, and therefore perplexity, and each enough in the practical application of the law, are not the only ingredients in the mass. In addition to all these customs and opinions, we have as much statute law as might suffice for governing the world—a thousand times as much indeed as the whole solar system requires, and yet it does not appear that the most erratic comet belonging to that system ever disobeys. Yes, mass and motion govern the whole system; and yet, besides a countless multitude of other matters, a mere speck upon one of the medium-sized globes in it has more enacted law than a man could read in an ordinary lifetime; and as for his understanding it—that is another matter. Yes, my Lord, when we think of the wonderful simplicity of the laws of nature, we must confess, with some shame and humiliation, what bunglers we are in legislation. The acts of a single session of the British Parliament, actually occupying more space than the whole laws of physical nature, animate and inanimate—even supposing our enactments to be freed from all the technical jargon and verbiage, by

which their bulk is so much swelled, and their meaning so much clouded.

Now, my Lord, though it has unfortunately not been the practice to view these subjects as allied, or even as in juxtaposition, there may be a great deal more reflected from the one upon the other, than would at first be supposed ; and the history, at least of the laws of physics, may be made most instructive in conducting legislation for man—and more especially as to the value of the wisdom of antiquity, and the duties even of the highest authorities in days of darkness.

If upon the subject of physics we had looked to the days of Richard I. ; and held that what was opinion then should be law now, and in all time coming—if we had done that, from the time of Richard downwards, without having recourse to the exercise of our eyes, or ears, and our judgment, I do not think it at all unlikely that the civil institutions and customs of the same period would have answered us well enough still ; because we should still have been a race of ignorant and semi-barbarous persons. The laws of physics were then, my Lord, and for long after them, very much like what the dicta of our judges are. Of course, I do not mean in the matter, but in the mode ; they were the opinions of those who had influence sufficient

for being believed ; and they were believed merely on account of that influence, and without any knowledge, or capacity for knowledge, on the part of those who believed them, as to whether they were well-founded or not. The foundation was, indeed, never made a question ; for the belief in them was as implicit as if it had itself been a law of nature. Yet when men began to seek for the laws of nature, in the place where we are now very well convinced that the knowledge of them can alone be found, in the events or phenomena of nations, all those dicta, implicitly as they had been believed for ages, were found to be utterly without foundation. The old laws of physics had been *made*, not *discovered* ; and when men began to *discover* laws, they found not only that the *made ones* already promulgated were false, but that it was quite impossible that any made law of physics could be true.

And I have very strong suspicions, my Lord—nay, I am almost, if not altogether, sure, that the laws of society will never become just quite what they ought to be, until those who have the privilege of promulgating or declaring them, shall follow a course pretty similar to that followed by those who promulgated the true laws of physics,



and thereby laid the foundation of all that splendid improvement that we have since seen in every thing physical ; and in which the experience of the past involves so much of hope, nay, almost of certainty, in the future, that we cannot even in the boldest exercise of fancy exceed the limit, if we do not violate the law of sequence.

Though legislators, and other persons who take a lead in the affairs of the world, make forms of government and codes of law, they do not make human nature. That, my Lord, is the same Creator as the merely physical part of the creation—as the suns and systems, of which we now, since we have discovered the true laws, think the old laws of human invention so very absurd. And the time may come—I hope it will come, my Lord, for it is the spirit of the British constitution to speed its advent—when men shall be as much astonished and amused at the then exploded and antiquated book which shall transmit to them the confusion of our spheres, and orbs and epicycles of law and legislation for man, as we are at those of the great astronomer of Alexandria.

When once we can shake off our vanity and self-conceit, and seek for the principles that shall regulate, or rather that shall be the laws which

govern men, it is very probable that we shall be quite astonished at the extreme simplicity of the matter ; and that we shall wonder why the great and the ambitious should have, in all ages, vexed themselves in vain attempts to do that which, but for their interference, nature would have done for itself in a mere application of those powers which the Author of nature has so admirably fitted for the accomplishment of the grand purpose of his will—the greatest good of the whole. Before that time can come, however, we have much both to learn and to forget ; and under the latter denomination, I suspect we must include the greater part of the existing law of England, and, above all, the spirit in which that law has been enacted.

Upon the details, my Lord, there is not much to be said. They are results ; and till the principle be altered, they are but trifles. Inquiry—knowledge, is that which is wanted ; and without that, not only the best intentioned, but the most promising alterations might, in practice, be found alterations for the worse. In obtaining information, and information from sources less likely to taint it than those from which it has been but too often obtained, you must do good ; and in cutting away much of that which exists, you can-

not possibly do harm ; but beware how, without the necessary information, you do any thing new, lest the strength of him who might be her deliverer, help to rivet the chains of our country.

COMMON SENSE.

THE END.





